



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

साप्ताहिक
WEEKLY

सं. 18] नई दिल्ली, अप्रैल 24—अप्रैल 30, 2005 शनिवार/वैशाख 4—वैशाख 10, 1927
No. 18] NEW DELHI, APRIL 24—APRIL 30, 2005 SATURDAY/VAISAKHA 4—VAISAKHA 10, 1927

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक-शिकायत तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)
नई दिल्ली, 20 अप्रैल, 2005

का. आ. 1576.—केंद्रीय सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं० 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए असम राज्य सरकार के गृह एवं राजनीतिक (ए) विभाग के ज्ञापन सं. पीएलए. 106/2004/पार्ट 35-ए दिनांक 10 मार्च, 2005 द्वारा प्राप्त असम राज्य सरकार की सहमति से कटलीचेरा, जिला हैलाकांडी, असम के श्री प्रतुल देब पुत्र स्वर्गीय गुरु प्रसाद देब के अपहरण के संबंध में कटलीचेरा पुलिस स्टेशन भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 364 ए के अधीन दर्ज मामला सं. 19/2004 और उक्त अपराध से संबंधित अथवा संसक्त प्रयत्न, दुष्प्रेरण और षडयंत्र तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किन्हीं अन्य अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण असम राज्य पर करती है।

[सं. 228/98/2004-ए.वी.डी.-II]
शुभा ठाकुर, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC
GRIEVANCES AND PENSIONS
(Department of Personnel and Training)
New Delhi, the 20th April, 2005

S. O. 1576.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Assam vide Home and Political (A) Department, Memo No. PLA.106/2004/Pt./35-A dated 10-03-2005 hereby extends the powers and jurisdiction of the member of the Delhi Special Police Establishment to the whole of the State of Assam for investigation into the case of kidnapping of Shri Pratul Deb S/o Late Guruprasad Deb of Katlicherra, District Hailakandi, Assam registered at Katlicherra Police Station Vide Case No. 19/2004 u/s 364(A) of the Indian Penal Code, 1860 (Act No. 45 of 1860) and attempt, abetment and conspiracy in relation to or in connection with the said offence and any other offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/98/2004-AVD.-II]
SHUBHA THAKUR, Under Secy.

वित्त मंत्रालय
(आर्थिक कार्य विभाग)
(बैंकिंग प्रभाग)

नई दिल्ली, 11 अप्रैल, 2005

का.आ. 1577.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 19 की उपधारा (2) के उपबंध पंजाब एंड सिंध बैंक, नई दिल्ली पर 21 जनवरी, 2008 तक की अवधि के लिए लागू नहीं होंगे, जहां तक उनका संबंध गिरवीदार के रूप में मैसर्स डायनामेटिक फॉर्जिंग्स इंडिया लि. की 30 प्रतिशत से अधिक की चुकता शेयर पूंजी में कंपनी के शेयरों में उसकी धारिता से हैं।

[फा. सं. 15/1/98-बी ओ ए]

राम मुईवा, निदेशक

MINISTRY OF FINANCE
(Department of Economic Affairs)
(Banking Division)

New Delhi, the 11th April, 2005

S. O. 1577.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendation of the Reserve Bank of India hereby declares that provisions of Sub-section (2) of Section 19 of the said Act shall not apply to Punjab & Sind Bank, New Delhi for a period upto 21st January, 2008, in so far as they relate to its holding of the shares of M/s. Dynamatic Forgings India Ltd. in excess of 30% of the paid up share capital of the company as pledgee.

[F.No. 15/1/98-BOA]

RAM MUTVAH, Director

नई दिल्ली, 19 अप्रैल, 2005

का.आ. 1578.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 19 की उपधारा (2) के उपबंध बैंक आफ बड़ौदा पर 15 अगस्त, 2005 तक की अवधि के लिए लागू नहीं होंगे, जहां तक उसका संबंध नैनीताल बैंक लि. (एनबीएल) में उसकी शेयर धारिता से हैं।

[फा. सं. 13/4/2005-बीओए]

डी०पी० भारद्वाज, अवर सचिव

New Delhi, the 19th April, 2005

S. O. 1578.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendation of

the Reserve Bank of India hereby declares that the provisions of Sub-section (2) of Section 19 of the said Act shall not apply to Bank of Baroda for a period upto 15th August, 2005, in so far as they relate to its holding of the shares in Nainital Bank Ltd. (NBL).

[F. No. 13/4/2005-BOA]

D.P. BHARDWAJ, Under Secy.

नई दिल्ली, 20 अप्रैल, 2005

का.आ. 1579.—राष्ट्रीय आवास बैंक अधिनियम, 1987 की धारा 6 की उपधारा (1) के खंड (च) द्वारा, प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय रिजर्व बैंक से परामर्श करके एतद्वारा, निम्नलिखित व्यक्तियों को इस अधिसूचना के जारी होने की तारीख से तीन वर्ष की अवधि के लिए राष्ट्रीय आवास बैंक के निदेशक के रूप में नियुक्त करती है।

1. वित्तीय आयुक्त (विकास) एवं सचिव (कृषि) पंजाब सरकार, चंडीगढ़	मुख्य सचिव (आवास) के स्थान पर आंध्र प्रदेश सरकार, हैदराबाद
2. मुख्य सचिव, कृषि एवं सहकारिता विभाग, गुजरात सरकार, गांधी नगर	सचिव आवास, के स्थान पर उत्तर प्रदेश सरकार लखनऊ

[फा. सं. 7/5/2002-बी.ओ-1]

जी.बी. सिंह, अवर सचिव

New Delhi, the 20th April, 2005

S. O. 1579.—In exercise of the powers conferred by clause (f) of sub-section (1) of Section 6 of the National Housing Bank Act, 1987, the Central Government, in consultation with Reserve Bank of India, hereby appoints the following persons to be the directors of the National Housing Bank for a period of three years with effect from the date of issue of this notification.

1. Principal Secretary (Housing) Government of Andhra Pradesh Hyderabad.	<u>Vice</u> Financial Commissioner (Development) and Secretary (Agriculture), Government of Punjab, Chandigarh
2. Secretary (Housing), Government of Uttar Pradesh, Lucknow	<u>Vice</u> Principal Secretary, Agriculture and Co-operation Department Government of Gujarat, Gandhinagar.

[F. No. 7/5/2002-BO-I]

G.B. SINGH, Under Secy.

नई दिल्ली, 21 अप्रैल, 2005

का.आ. 1580.—राष्ट्रीय आवास बैंक अधिनियम, 1987 की धारा 6 की उपधारा (1) के खंड (च) द्वारा, प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय रिजर्व बैंक से परामर्श करके एतद्वारा, निम्नलिखित व्यक्तियों को इस अधिसूचना के जारी होने की तारीख से तीन वर्ष की अवधि के लिए राष्ट्रीय आवास बैंक के निदेशक के रूप में नियुक्त करती है।

- | | |
|---------------------------------------|---|
| 1. आयुक्त/सचिव (आवास)
गुजरात सरकार | के स्थान पर
मुख्य सचिव (आवास)
आंध्र प्रदेश सरकार,
हैदराबाद |
| 2. आयुक्त/सचिव (आवास)
उड़ीसा सरकार | के स्थान पर
सचिव (आवास),
उत्तर प्रदेश सरकार
लखनऊ |

[फा. सं. 7/5/2002-बी.ओ.-1]

जी.बी. सिंह, अवर सचिव

New Delhi, the 21st April, 2005

S.O. 1580.—In exercise of the powers conferred by clause (f) of sub-section (1) of section 6 of National Housing Bank Act, 1987, the Central Government, in consultation with Reserve Bank of India, hereby appoints the following persons to be the directors of the National Housing Bank for a period of three years with effect from the date of issue of this notification.

- | | |
|--|--|
| 1. Principal Secretary
(Housing)
Government of
Andhra Pradesh
Hyderabad. | <u>Vice</u> Commissioner/
Secretary (Housing)
Government of
Gujarat |
| 2. Secretary (Housing),
Government of
Uttar Pradesh,
Lucknow | <u>Vice</u> Commissioner/
Secretary (Housing)
Government of
Orissa |

[F. No. 7/5/2002-BO-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 25 अप्रैल, 2005

का.आ. 1581.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग), नई दिल्ली में निदेशक श्री सुदेश कुमार को, श्री आर. रंगनाथन के स्थान पर, तत्काल प्रभाव से और अगले आदेशों तक, देना बैंक के बोर्ड में निदेशक के रूप में नामित करती है।

[फा. सं. 9/11/2004-बी.ओ.-1]

जी.बी. सिंह, अवर सचिव

New Delhi, the 25th April, 2005

S.O. 1581.—In exercise of the powers conferred by clause (b) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, hereby nominates Shri Sudesh Kumar, Director in the Ministry of Finance, Department of Economic Affairs (Planning Division) New Delhi as a Director on the Board of Dena Bank with immediate effect and until further orders vice Shri R. Ranganathan.

[F. No. 9/11/2004-BO-I]

G. B. SINGH, Under Secy.

(राजस्व विभाग)

आयुक्त सीमा शुल्क, पुणे का कार्यालय

पुणे, 28 जनवरी, 2005

संख्या 1/2005-सीमा शुल्क (नॉन टैरिफ)

का.आ. 1582.—सीमा शुल्क अधिनियम 1962 (1962 का 52) की धारा 8 के अधीन मुझे प्रदत्त अधिकारों को कार्यान्वित करते हुए तथा सीमा शुल्क अधिनियम 1962 की धारा 8 के अधीन दिनांक 30/9/98 को पहले ही जारी अधिसूचना संख्या 4/98-सीमा शुल्क (नॉन टैरिफ) के सिलसिले में, मैं अधोहस्ताक्षरित, एस. दत्त मजुमदार, आयुक्त सीमा शुल्क, पुणे, एतद्वारा, इन्लैंड कन्टेनर डिपो, सर्वे नं. 76, 78/1, 78/2 तथा 79 तलेरा नगर, आलंदी रोड, दिधि, पुणे के और विस्तारित क्षेत्र को मुंबई के गेटवे बंदरगाह, न्हावा शेवा बंदरगाह (जे.एन.पी.टी.), एयर कार्गो कॉम्प्लेक्स, सहार, मुम्बई, लोहगाँव एयर पोर्ट पुणे से आयात किए गए कन्टेनर और उनमें रखे माल को रखने (स्टोरेज) के लिए तथा इन्लैंड कन्टेनर डिपो, दिधि पुणे से कथित गेटवे बंदरगाह को निर्यात कार्गो के स्टफिंग और कथित बंदरगाहों से आयात कार्गो के डिस्टफिंग के लिए सीमा शुल्क क्षेत्र के रूप में मंजूर करता हूँ।

अब सीमा शुल्क के जिस क्षेत्र में कथित आई.सी.डी. दिधि, पुणे समाविष्ट है उसकी सीमा का विस्तार कुल 1,58,720 वर्ग मीटर के क्षेत्र (सर्वे नं. 76 का 8,820 वर्ग मीटर, सर्वे नं. 78/1 तथा 78/2 का 61,500 वर्ग मीटर तथा सर्वे नं. 79 का 88,400 वर्ग मीटर) तक बढ़ाया गया है। इस क्षेत्र में सर्वे नं. 76 का 8,820 वर्ग मीटर क्षेत्र, सर्वे नं. 78/1 तथा 78/2 का 45,103 वर्ग मीटर तथा सर्वे नं. 79 का 51,320 वर्ग मीटर खुला क्षेत्र भी सम्मिलित है। यह क्षेत्र जो निम्नलिखित के अनुसार है भरे/खाली कन्टेनरों को रखने के लिए तथा स्टफिंग/डिस्टफिंग के लिए 24,677 वर्ग मीटर के आच्छादित (कवर्ड) शेड, निर्यात/आयात/लैंडेड कार्गो रखने के लिए है।

इस क्षेत्र की परिसीमाएँ निम्नलिखित के अनुसार हैं :—

उत्तर— सर्वे नं. 79 से श्रीमती डी. चव्हाण की खुली जगह तक और सर्वे नं. 78/1-उत्तर की तरफ भोसरी-आलंदी रोड का किनारा।

दक्षिण— सर्वे नं. 79 पर स्थित इन्लैंड कन्टेनर डिपो से सर्वे नं. 80 तक।
श्री पी.एम. वालके, जी.टी. वालके और ए.टी. वालके की
जमीन के सर्वे नं. 78/3, 78/4 और 78/2 को छोड़कर।

पूर्व— पुणे-आलंदी रोड का किनारा

पश्चिम— श्री डी. आर. वालके की जमीन का सर्वे नं. 78/1 से सर्वे नं.
75/76 तक, श्री पी.एम. वालके, श्री जी.टी. वालके और श्री
ए.टी. वालके की जमीन के सर्वे नं. 78/2 [कुछ हिस्सा
(भाग)], 78/3, 78/4 को छोड़कर।

[फा. सं.-VIII (सीमा शुल्क) 48-01/टीसी/2004]

सु. दत्त मजुमदार, आयुक्त

(Department of Revenue)

OFFICE OF THE COMMISSIONER OF CUSTOMS
PUNE

Pune, the 28th January, 2005

No. 1/2005-CUS (NT)

S.O. 1582.—In exercise of the powers conferred upon me under Section 8 of the Customs Act, 1962 (52 of 1962) and in continuation of earlier Notification No. 4/98-CUS (NT) dated 30/9/98 issued under Section 8 of the Customs Act, 1962, I, the undersigned, S. Dutt Majumdar, Commissioner of Customs, Pune hereby approve the further extended area of the Inland Container Depot, Survey No. 76, 78/1, 78/2 and 79 Talera Nagar, Alandi Road, Dighi, Pune as the 'Customs Area' for storage of Containers and the goods contained therein imported through the Gateway Ports of Mumbai, Nhava Sheva (JNPT), Air Cargo Complex, Sahar, Mumbai, Lohegaon Airport Pune and for the stuffing of Export and de-stuffing of Import cargo, Imported/Exported through the Inland Container Depot, Dighi, Pune from/to the said Gateway Ports.

Now, the limit of Customs Area comprising of the said ICD at Dighi, Pune extended to a total area admeasuring 1,58,720 sq. meters (8,820 sq. meters of Survey No. 76, 61,500 sq. meters survey No. 78/1 & 78/2 and 88,400 sq. meters of survey No. 79), including open area measuring 8,820 sq. meters of survey no. 76, 45,103 sq. meters of survey No. 78/1 and 78/2 and 51,320 sq. meters of survey No. 79, for storages of loaded/empty containers and covered sheds admeasuring 24,677 sq. meters for stuffing/destuffing and storage of Export/Import/Landed cargo as specified as follows :

Boundaries—

North— Survey No. 79 up-to Open Land belonging to Smt. D. Chavan and Survey No. 78/1 bordering Bhosari-Alandi Road towards North.

South— Existing Inland Container Depot at Survey No. 79 up-to Survey No. 80 excluding Survey No. 78/3, 78/4 and 78/2 i.e., Land belonging to Mr. P.M. Walke, G.T. Walke and A.T. Walke.

East— Boardering Pune-Alandi Road.

West— Survey No. 78/1 up-to Survey No. 75/76 belonging to Mr. D.R. Walke and excluding survey No. 78/2 (part), 78/3, 78/4 i.e., land belonging to Mr. P.M. Walke, G.T. Walke & A.T. Walke.

[F.No. VIII (CUS) 48-01/TC/2004]

S. DUTT MAJUMDAR, Commissioner

परमाणु ऊर्जा विभाग

मुंबई, 21 अप्रैल, 2005

का.आ. 1583.—केन्द्रीय सरकार परमाणु ऊर्जा विभाग के निम्नलिखित संघटक यूनिटों को, जिनके 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में अधिसूचित करती है :

1. निर्माण, सेवा एवं संपदा प्रबंध निदेशालय, मुंबई।
2. विकिरण तथा आइसोटोप प्रौद्योगिकी बोर्ड, मुंबई।
3. परमाणु ऊर्जा शिक्षण संस्था, मुंबई।

[सं. 6/7/94-हिन्दी]

व्ही.पी. राजा, संयुक्त सचिव (आई एंड एम)

DEPARTMENT OF ATOMIC ENERGY

Mumbai, the 21st April, 2005

S.O. 1583.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for official purpose of the Union) Rules, 1976, the Central Government hereby notifies the following constituent Units of the Department of Atomic Energy, where more than 80% staff has acquired working knowledge of Hindi.

1. Directorate of Construction, Services & Estate Management, Mumbai.
2. Board of Radiation and Isotope Technology, Mumbai,
3. Atomic Energy Education Society, Mumbai.

[No. 6/7/94-Hindi]

V. P. RAJA, Jt. Secy. (I&M)

संचार और सूचना प्रौद्योगिकी मंत्रालय

(दूरसंचार विभाग)

(राजभाषा अनुभाग)

नई दिल्ली, 19 अप्रैल, 2005

का.आ. 1584.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित 1987) के नियम 10(4) के अनुसरण में संचार और सूचना प्रौद्योगिकी मंत्रालय, दूरसंचार विभाग के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालयों को, जिसमें 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है।

मुख्य महाप्रबंधक दूरसंचार, भारत संचार निगम लिमिटेड, राजस्थान परिमंडल, जयपुर

1. महाप्रबंधक दूरसंचार, भारत संचार निगम लिमिटेड, बांसवाड़ा
2. महाप्रबंधक दूरसंचार जिला, भारत संचार निगम लिमिटेड, नागौर
3. दूरसंचार जिला प्रबंधक कार्यालय, भारत संचार निगम लिमिटेड, सवाई माधोपुर

[सं. ई-11016/1/2004-(रा.भा.)]

हरीश चन्द्र जयाल, संयुक्त सचिव

MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

(Department of Telecommunications)

New Delhi, the 19th April, 2005

S. O. 1584.—In pursuance of rule 10(4) of the Official Language (Use for official purposes of the Union), rules, 1976 (as amended-1987), the Central Government hereby notifies the following Offices under the administrative control of Ministry of Communications and Information Technology, Department of Telecommunications whereof more than 80% staff have acquired working knowledge of Hindi.

Chief General Manager Telecom, BSNL, Rajasthan Circle, Japur

1. General Manager Telecom., BSNL, Banswara
2. General Manager Telecom Distt., BSNL, Nagpur
3. Office of Manager, Telecom. Distt. BSNL, Sawai Madhopur

[No. E-11016/1/2004 (O.L.)]

HARISH CHANDRA JAYAL, Jt. Secy.

कोयला मंत्रालय

नई दिल्ली, 29 मार्च, 2005

का.आ. 1585.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अभियोगियों की बेदखली) अधिनियम, 1971 (1972 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का. आ. 682, तारीख 20 मार्च, 2001, जो भारत के राजपत्र, भाग II खंड 3, उपखंड (ii) तारीख 31 मार्च, 2001 में प्रकाशित की गई थी, को अधिक्रान्त करते हुए, नीचे सारणी के स्तंभ (1) में उल्लिखित अधिकारियों को, जो सरकार के

राजपत्रित अधिकारी की पंक्ति के समतुल्य अधिकारी हैं, उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है जो सारणी के स्तंभ (2) में विनिर्दिष्ट सरकारी स्थानों की बाबत अपनी-अपनी अधिकारिता की सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और अधिरोपित कर्तव्यों का पालन करेंगे, अर्थात :—

सारणी

अधिकारियों का पदनाम	सरकारी स्थानों के प्रवर्ग और अधिकारिता की स्थानीय सीमाएं
1	2
महाप्रबंधक (राजस्व/पुनर्वास एवं पुनर्स्थापना)	मध्य प्रदेश राज्य व उत्तर प्रदेश राज्य में नार्दर्न कोलफील्ड्स लिमिटेड के या उसके द्वारा या उसकी ओर से पट्टे पर लिए गए सभी परिसर।

[फा. सं. 43022/1/2001-पी.आर.आई डब्ल्यू]

बी.के. पण्डा, निदेशक

MINISTRY OF COAL

New Delhi, the 29th March, 2005

S. O. 1585.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971) and in suppression of the notification of the Government of India in the Ministry of Coal, number S.O. 682 dated the 20th March, 2001, published in the Gazette of India Part II, section 3, sub-section (ii), dated the 31st March, 2001, the Central Government hereby appoints the officers mentioned in column (1) of the table below, being Officers equivalent of the rank of Gazette Officers of the Government to be Estate Officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the Estate Officers, by or under the said Act, within the limits of their respective jurisdiction in respect of public premises specified in column (2) of the table, namely :—

Table

Designation of the Officers	Categories of public premises and local limits of jurisdiction
1	2
General Manager (Revenue/R and R)	All premises belonging to or taken on lease by or on behalf of Northern Coal-fields Limited in the State of Madhya Pradesh and Uttar Pradesh

[F. No. 43022/1/2001-PRIW]

B.K. PANDA, Director

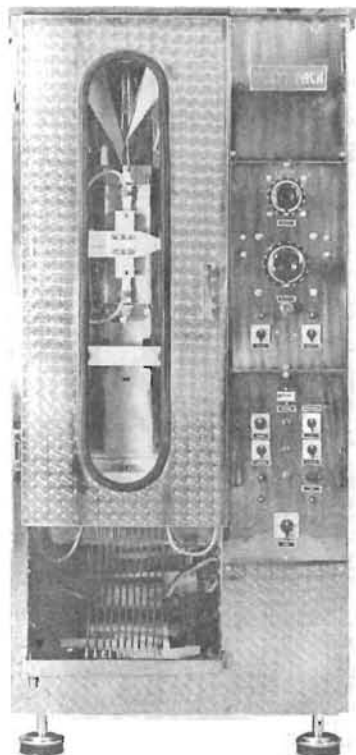
उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 5 अप्रैल, 2005

का.आ. 1586.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नवीन इण्डस्ट्रीज, नं. 9ए, टाइप-III, इण्डस्ट्रीयल एरिया कुकापल्ली, हैदराबाद-500072 द्वारा विनिर्मित "एम आर-1000-एच एस" शृंखला के स्वचालित मशीन (पिस्टन पूरक प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/491 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल स्वचालित अनुमापी भरण मशीन (पिस्टन पूरक प्रकार का) है। इसकी क्षमता 2 ग्रा. से 1000 ग्रा. या मि. लीटर में समतुल्य आयतन है। इसकी अधिकतम भरण दर 25 से 35 पाउच प्रति मिनट है। मशीन को वनस्पति तेल, घी, वनस्पति, मारगरीन इत्यादि जैसे द्रव विसकस को पैक करने के लिए डिजाइन किया जाता है। यह तीन फेस ए सी 440 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करती है।

[फा. सं. डब्ल्यू एम-21(37)/2004]

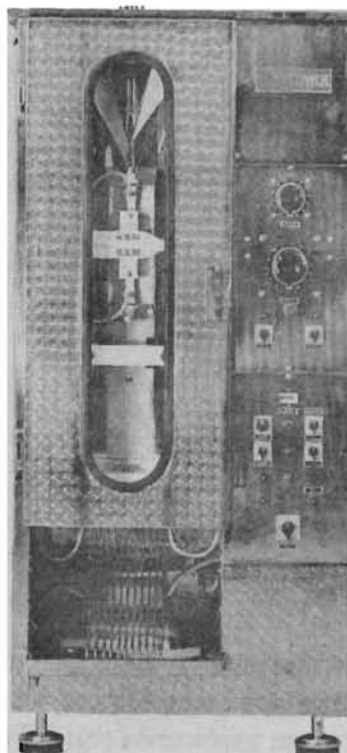
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)**

New Delhi, the 5th April, 2005

S.O. 1586.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of automatic volumetric filling machine (Piston filter type) of “MR-1000-HS” series with brand name “MULTIPACK” (herein referred to as the said model), manufactured by M/s. Naveen Industries, No. 9A, Type III, Industrial Area Kukapally, Hyderabad-500072 and which is assigned the approval mark IND/09/2004/491;



The said model is an Automatic volumetric filling machine (Piston filler type). Its capacity range is from 2g to 1000g or equivalent volume in ml. It has a maximum fill rate of 25 to 35 pouches per minute. The machine is designed for packing viscous liquid like vegetable oil, ghee, vanaspati, margarine etc. It operates on three phase AC 440 Volts and 50Hz alternate current power supply.

[F. No. WM-21(37)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 6 अप्रैल, 2005

का.आ. 1587.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ओरिएन्ट इंजीनियरिंग वे, 7, नटराज थिएटर कॉम्प्लेक्स, तीरुपुर-641604 (तमिलनाडु) द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "ओ ई डब्ल्यू-जे पी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "जेमिनी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/374 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

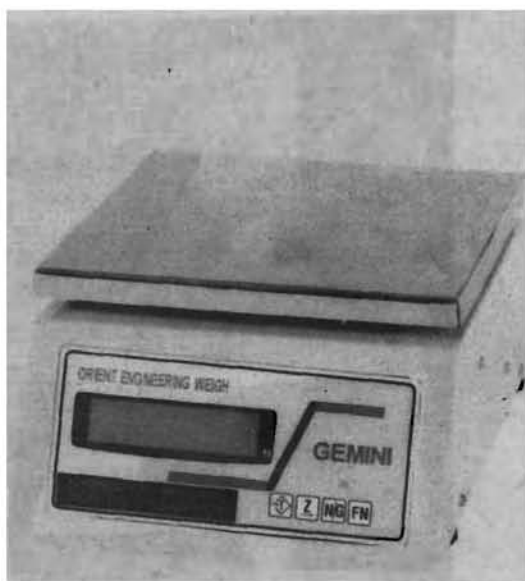
[फा. सं. डब्ल्यू एम-21(125)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 6th April, 2005

S.O. 1587.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of "OEW-JP" series of high accuracy (Accuracy class-II) and with brand name "GEMINI" (hereinafter referred to as the said Model), manufactured by M/s. Orient Engineering Weigh, 7, Nataraj Theatre Complex, Tirupur-641604 (Tamil Nadu) and which is assigned the approval mark IND/09/2004/374;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230Volts and 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

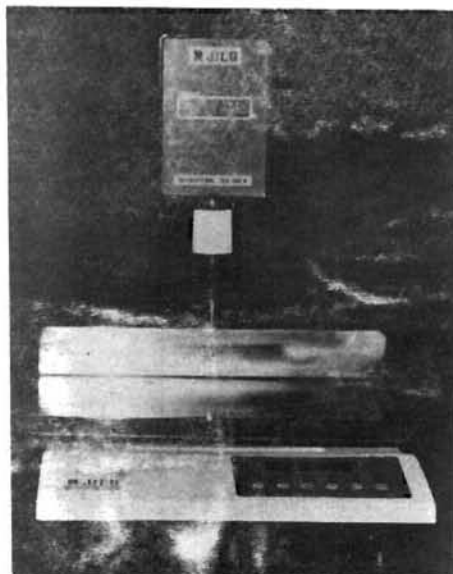
[F. No. WM-21(125)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 8 अप्रैल, 2005

का.आ. 1588.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जयको इलेक्ट्रिक सिस्टम्स, ए-4, फ्लैटिड फैक्टरी काम्पलेक्स, ओखला, नई दिल्ली-110020 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "जे टी टी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "जयको" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/404 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आद्येतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आद्येतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में, सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

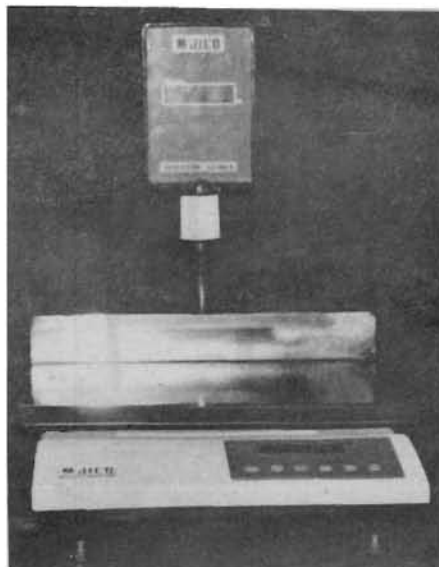
[फा. सं. डब्ल्यू एम-21(136)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th April, 2005

S.O. 1588.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Table top type) weighing instrument with digital indication of "JIT" series of medium accuracy (Accuracy class-III), with brand name "JICO" (herein referred to as the said model), manufactured by M/s JICO Elecweigh Systems, A-4, Flatted Factory Complex, Okhala, New Delhi-110020 and which is assigned the approval mark IND/09/2004/404;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

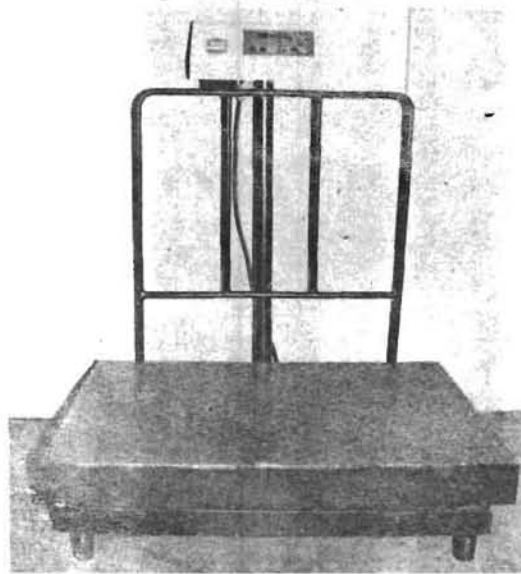
[F. No. WM-21(136)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 8 अप्रैल, 2005

का.आ. 1589.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जयको इलेक्ट्रिक सिस्टम्स, ए-4, फ्लैटिड फैक्टरी काम्पलेक्स, ओखला, नई दिल्ली-110020 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "जे पी एस" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "जयको" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/405 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 2000 कि. ग्रा. और न्यूनतम क्षमता 4 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 200 ग्रा. है। इसमें एक आद्येतुलन युक्ति है जिसका शत प्रतिशत व्यकलनत्वरु धारित आद्येतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्र.प. की धारा विद्युत प्रदाय पर कार्य करता है।

स्टैमिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में, सत्यापन मान सहित 50 कि. ग्रा. से अधिक और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

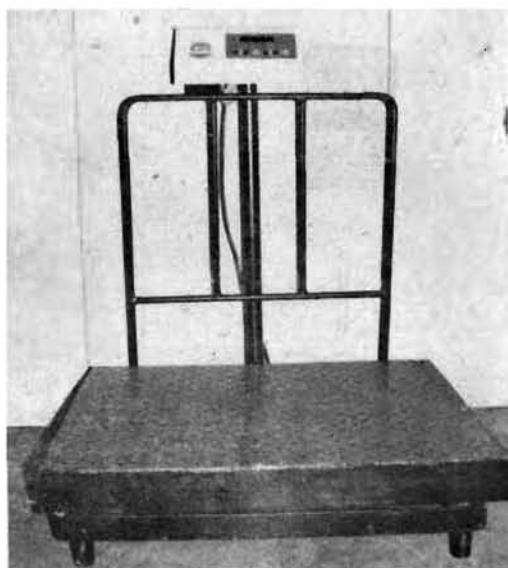
[फा. सं. डब्ल्यू एम-21(136)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th April, 2005

S.O. 1589.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indication, non-automatic (Platform type) weighing instrument with digital indication of "JPS" series of medium accuracy (Accuracy class-III) with brand name "JICO" (herein referred to as the said model), manufactured by M/s JICO Elecweigh Systems, A-4, Flatted Factory Complex, Okhala, New Delhi-110010 and which is assigned the approval mark IND/09/2004/405;



The said model is a strain gauge type load cell based weighing instrument with a maximum capacity of 2000 kg. and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model is be cover the weighing instrument of same series, with maximum capacity above 50 kg and upto. 5000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the approved model has been manufactured.

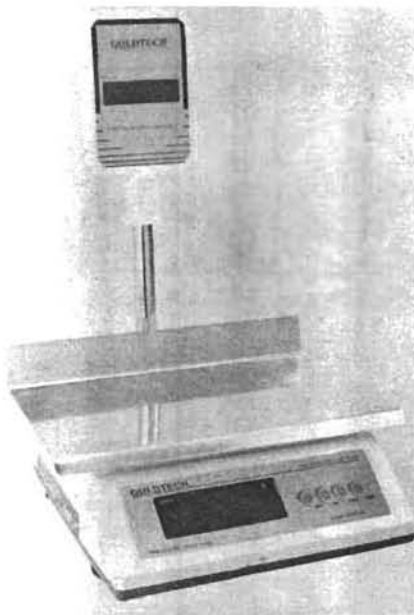
[F. No. WM-21(136)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 8 अप्रैल, 2005

का.आ. 1590.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स प्रिसिजन इलेक्ट्रॉनिक्स इस्ट्रूमेंट्स कंपनी, 77, स्वर्ण पार्क, मुंडका, नई दिल्ली-110041 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "जी टी-एल टी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "गोल्ड टैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/443 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

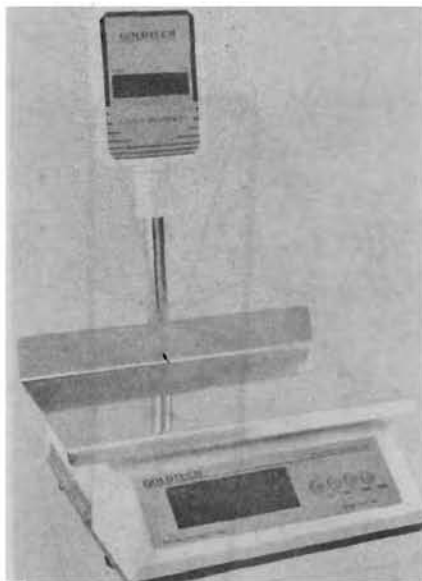
[फा. सं. डब्ल्यू एम-21(35)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th April, 2005

S.O. 1590.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of "GTLT" series of medium accuracy (Accuracy class-III) and with brand name "Goldtech" (herein referred to as the said Model), manufactured by M/s Precision Electronic Instruments Company, 77, Swarn Park, Mundaka, New Delhi-110041 and which is assigned the approval mark IND/09/2004/443;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table-top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

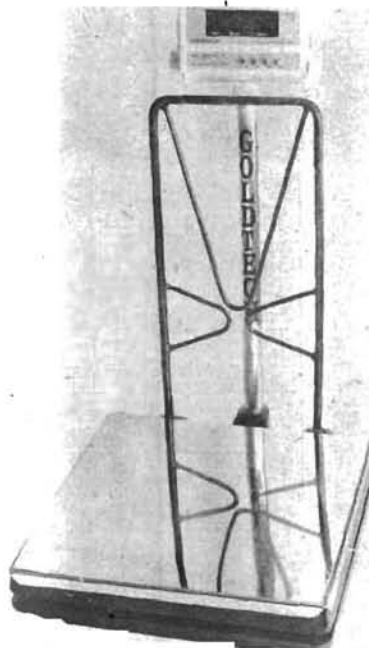
[F. No. WM-21(35)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 8 अप्रैल, 2005

का.आ. 1591.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स प्रिसिजन इलेक्ट्रॉनिक्स इंस्ट्रूमेंट्स कंपनी, 77, स्वर्ण पार्क, मुंडका, नई दिल्ली-110041 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “जी टी-पी एल” श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम “गोल्ड टैक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/444 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि. ग्रा. और न्यूनतम क्षमता 1 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि. ग्रा. से अधिक और 1000 कि.ग्रा. तक अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

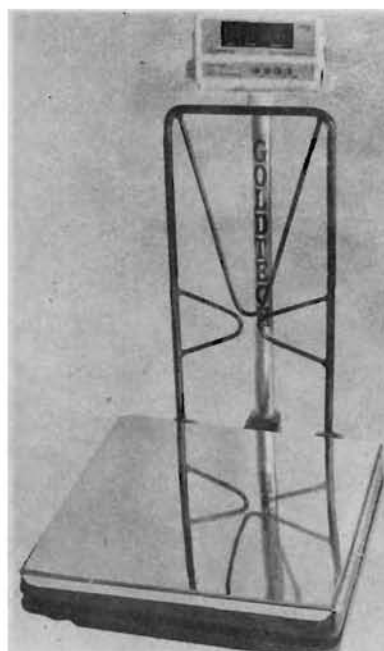
[फा. सं. डब्ल्यू एम-21(35)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th April, 2005

S.O. 1591.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "GTLP" series of medium accuracy (Accuracy class-III) and with brand name "Goldtech" (hereinafter referred to as the said model), manufactured by M/s Precision Electronic instruments Company, 77, Swarn Park, Mundaka, New Delhi-110041 and which is assigned the approval mark IND/09/2004/444;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 300 kg. and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 1000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , is k a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(35)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 8 अप्रैल, 2005

का.आ. 1592.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रिंसिजन इलैक्ट्रॉनिक्स इंस्ट्रूमेंट्स कंपनी, 77, स्वर्ण पार्क, मुंडका, नई दिल्ली-110004 द्वारा विनिर्मित मध्य यथार्थता (यथार्थता वर्ग-III) वाले "जी टी-एस एल" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "गोल्ड टैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/442 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 3 कि. ग्रा. और न्यूनतम क्षमता 10 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 500 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(35)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th April, 2005

S.O. 1592.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of "GTSL" series of medium accuracy (Accuracy class-III) and with brand name "Goldtech" (hereinafter referred to as the said model), manufactured by M/s Precision Electronic Instruments Company, 77, Swarn Park, Mundaka, New Delhi-110041 and which is assigned the approval mark IND/09/2004/442;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 3 kg. and minimum capacity of 10g. The verification scale interval (e) is 500mg. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(35)/2003]

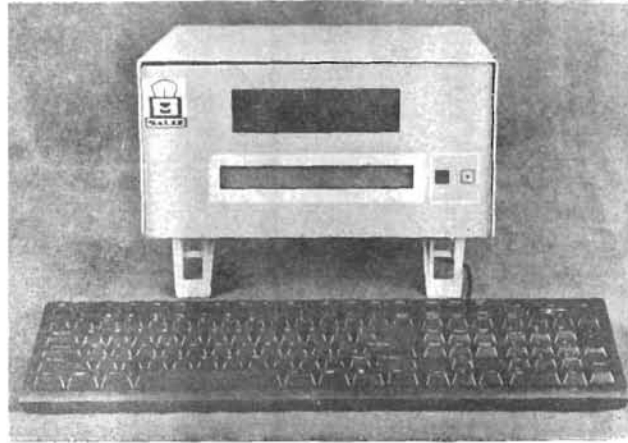
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 11 अप्रैल, 2005

का.आ. 1593.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सालिज एंड कं. वेइंग मशीन डिबीजन, एडसन बिल्डिंग, गवर्नाडोर पेस्टाना रोड, पणजी, गोवा-403 001 द्वारा विनिर्मित मध्य यथार्थता (यथार्थता वर्ग-III) वाले "एस सी-टी बी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "सालिज" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/464 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^{\circ}$, $2 \times 10^{\circ}$ या $5 \times 10^{\circ}$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(58)/2004]

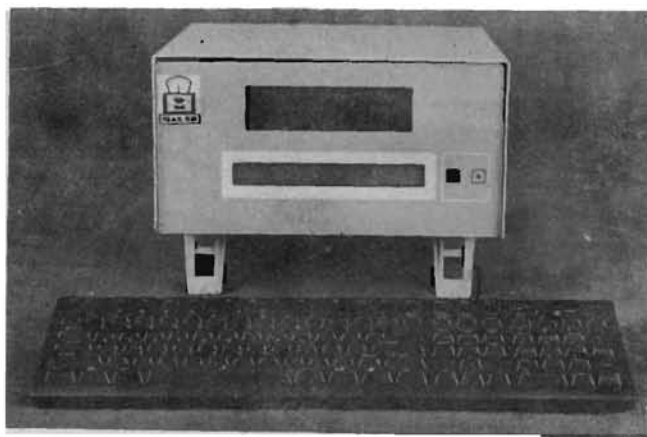
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th April, 2005

S.O. 1593.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of "SC-TB" series of medium accuracy (Accuracy class-III) and with brand name "SALIZ" (hereinafter referred to as the said model), manufactured by M/s Saliz & Co. Weighing Machine Division, EDSAN Building, Governador Pestana Road, Panjim-403 001, Goa and which is assigned the approval mark IND/09/2004/464;

The said model (see the figure given below) a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(58)/2004]

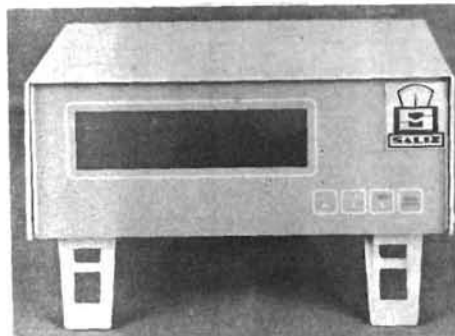
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 11 अप्रैल, 2005

का.आ. 1594.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सालिज एंड कं. वेइंग मशीन डिबीजन, एडसन बिल्डिंग, गवर्नाडोर पेस्टाना रोड, पणजी, गोवा-403 001 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस सी-पी टी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "सालिज" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/465 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 2000 कि. ग्रा. और न्यूनतम क्षमता 10 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 500 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान सहित 50 कि. ग्रा. से अधिक 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(58)/2004]

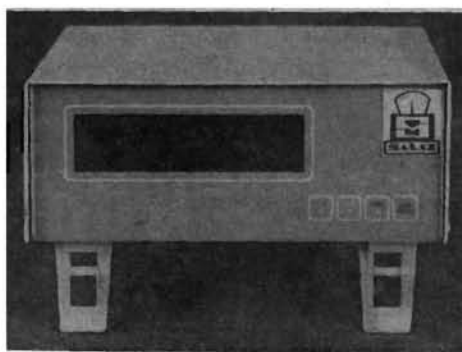
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th April, 2005

S.O. 1594.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of "SC-PT" series of medium accuracy (accuracy class-III) and with brand name "SALIZ" (hereinafter referred to as the said model), manufactured by M/s. Saliz & Co. Weighing Machine Division, EDSAN Building, Governador Pestana Road, Panjim-403 001, Goa and which is assigned the approval mark IND/09/2004/465;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 2000 kg. and minimum capacity of 10 kg. The verification scale interval (e) is 500g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and upto 5000 k g. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(58)/2004]

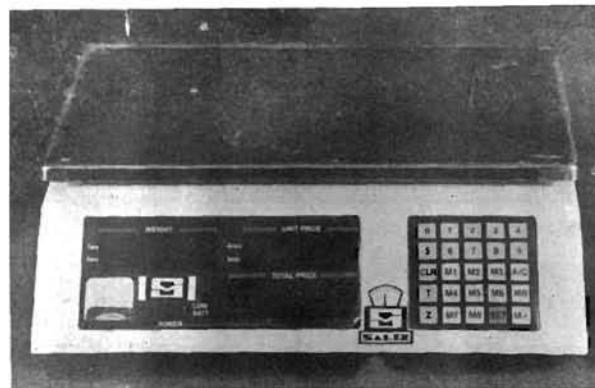
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 11 अप्रैल, 2005

का.आ. 1595.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सालिज एंड कं. वेईंग मशीन डिबीजन, एडसन बिल्डिंग, गवर्नाडोर पेस्टाना रोड, पणजी, गोवा-403 001 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस सी-डब्ल्यू बी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (तोलन पुल प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "सालिज" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/466 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (तोलन पुल प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 40 टन और न्यूनतम क्षमता 200 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 10 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान सहित 50 टन से अधिक 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(58)/2004]

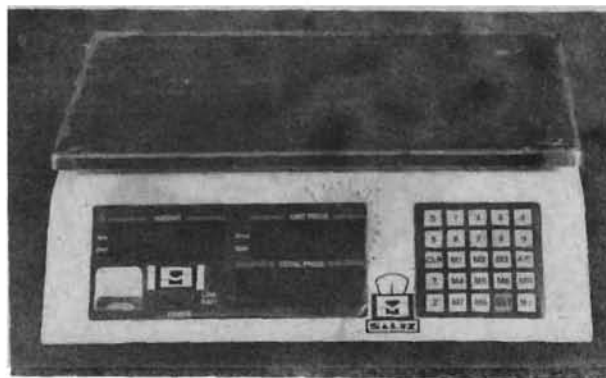
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th April, 2005

S. O. 1595.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Weighbridge type) with digital indication of "SC-WB" series of medium accuracy (Accuracy class-III) and with brand name "SALIZ" (hereinafter referred to as the said model), manufactured by M/s. Saliz & Co. Weighing Machine Division, EDSAN Building, Governador Pestana Road, Panjim-Goa 403 001. and which is assigned the approval mark IND/09/2004/466;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 40 tonnes and minimum capacity of 200 kg. The verification scale interval (e) is 10 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and upto 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 kg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(58)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 12 अप्रैल, 2005

का.आ. 1596.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स आर टैक डिजीटल स्केल बिसात काम्प्लेक्स, रेवाभाई एस्टेट रोड, अंबिका होटल सीटी, एम चार रास्ता, अमीराइवाडी, अहमदाबाद-380026 द्वारा विनिर्मित मध्य यथार्थता (यथार्थता वर्ग-III) वाले "ए आर टी-230" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "आरटैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/356 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(312)/2003]

पो. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th April, 2005

S.O. 1596.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the non-automatic weighing instrument (Table top type) with digital indication (hereinafter referred to as the said Model) of "ART-230" series belonging to medium accuracy (accuracy-class III) and with brand name "ARTECH" manufactured by M/s. Artech Digital Scale, 11, Visat Complex, Revabhai Estate Road, Opp. Ambika Hotel C.T.M. Char Rasta, Amraiwadi, Ahmedabad-380 026 and which is assigned the approval mark IND/09/2004/356;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) working on the principal of load cell with digital indication of maximum capacity 30kg and minimum capacity of 100g. The value of verification scale interval (e) is 5g. The display unit is of Light Emitting Diode (LED) type. The instrument operates on 230V, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

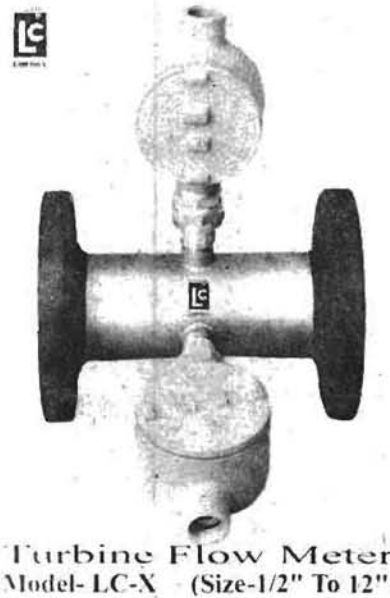
[F. No. WM-21(312)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 12 अप्रैल, 2005

का.आ. 1597.—केन्द्रीय सरकार का, विहित प्राधिकारी नीदरलैण्ड्स मीटिन्सटीटूट (एन एम आई), नीदरलैण्ड्स द्वारा जारी माडल अनुमोदन प्रमाण-पत्र के साथ उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स लिक्विड कंट्रोलस, 105, एलवर्ट ड्राइव, आई एल-60044 लेक बल्फ, यूनाइटेड स्टेट आफ अमेरिका द्वारा विनिर्मित और मैसर्स लिक्विड कंट्रोलस इण्डिया प्राइवेट लिमिटेड, 231-1 पोर इन्डस्ट्रियल स्टेट, पोर-रामनगमडी, जिला-वडोदरा-391243, गुजरात द्वारा भारत में बिना परिवर्तन या जोड़ के बिक्रीत "एल सी 3-सी एस-पी एच एल-सी-4 एक्स एक्स-ई" श्रृंखला के अंकक सूचन सहित टरबाइन मीटर (जल से भिन्न अन्य द्रव्यों के लिए) के माडल (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) जिसे अनुमोदन चिह्न आई एन डी/13/2004/408 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



माडल पेट्रोलियम द्रव उत्पाद जैसे पेट्रोल, डीजल इत्यादि के मापन के लिए टरबाइन प्रवाह मीटर है। माडल की प्रवाह रेंज निम्न प्रकार से है -

अधिकतम दर क्षमता—160 मी 3/घण्टे	:	अधिकतम प्रचालन दाब— +18 बार (जी)
न्यूनतम दर क्षमता—16 मी 3/घण्टे	:	प्रवाह वर्ग-सी
न्यूनतम मापित क्षमता—500 लीटर	:	पल्स मूल्य—12.5/ली.
यथार्थता वर्ग—0.3		
वोल्टता—6-36 डी सी		
प्रदर्श—एल सी डी		
माडल संख्या एलपी-714/एसपी-714 सहित स्पैक्ट्रैक द्वारा विनिर्मित पल्स एम्पलाइर		

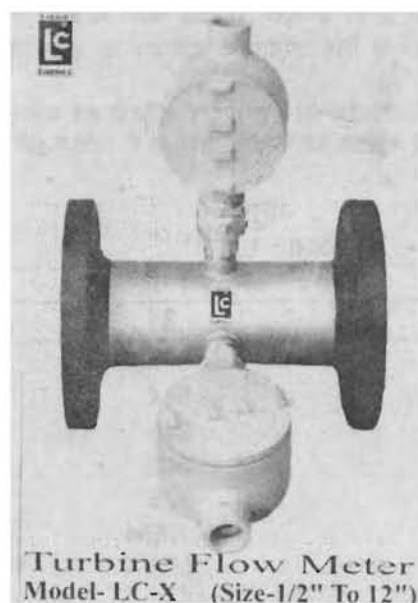
[फा. सं. डब्ल्यू एम-21(173)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th April, 2005

S.O. 1597.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority along with the Model approval certificate issued by the Netherlands Meetinstituut (NMI), Netherlands, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the Turbine Meter (meter for liquids other than water) with digital indication of series 'LC3-CS-PHL-C 4xx-E' and manufactured by M/s Liquids Controls, 105, Albrecht Drive, IL-60044 Lake Bluff, United States of America and sold in India without any alteration or additions by M/s Liquid Controls India Private Limited, 231-1, Por Industrial Estate, Por-Ramangamdi, District-Vadodra-391 243, Gujarat and which is assigned the approval mark IND/13/04/408;



The said model is a Turbine Flow meter for measuring petroleum liquid products like petrol, diesel, etc. The flow range of the model is as under :

Maximum Rated Capacity	:	160 m ³ /h
Minimum Rated Capacity	:	16m ³ /h
Minimum Measured Quantity	:	500 litre
Accuracy Class	:	0.3
Voltage	:	6-36 DC
Display	:	LCD
Maximum operating pressure	:	+18 bar(g)
Environmental class	:	C
Pulse Value	:	12.5/litre

Pulse amplifier manufactured by spectec with model Nos LP 714/SP 714

[F. No. WM-21(173)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 25 अप्रैल, 2005

का.आ. 1598.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 100 तारीख 6 जनवरी, 2005, जो भारत के राजपत्र तारीख 8 जनवरी, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 25 जनवरी, 2005 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : उज्जैन		जिला : उज्जैन	राज्य : मध्यप्रदेश
क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
1	पालखंदा	547	0.0432
		544	0.2160
		545	0.0684
		542	0.2304
		505	0.4248
		507/574	0.1656
		503	0.2520
		502	0.0270
		427 (शा० सड़क)	0.0666
		483	0.1262
		484	0.0684
		485	0.0540
		488	0.3520
		487	0.1350
		466	0.1980
		467	0.0720
		468	0.1044
		444	0.1296
		445	0.0090
		446	0.0360
		313 (शा० नाला)	0.0576
		293	0.2250
		279	0.5400
		297	0.0720
		278	0.1080
		277	0.2520
		257	0.0954
		258	0.0756
		259	0.0648
		260	0.0612

1	2	3	4
1	पालखंदा (जारी.....)	254	0.1620
		252	0.1440
		253	0.0990
2	पिपलोदा द्वारकाधीश	1093	0.1275
		1087	0.0360
		1084	0.1778
		1085	0.3096
		1075	0.0396
		1074	0.3010
		1073	0.0924
		1050 (शा0 सड़क)	0.0216
		1048	0.2880
		1045	0.2050
		1044	0.2274
		1025	0.0020
		1026	0.2196
		1027	0.0086
		1029	0.1580
		1035, 1036	0.2268
		1037	0.0850
		1038, 1039	0.0540
		618	0.1345
		619, 620	0.2034
		617 (शा0 सड़क)	0.2736
		573	0.0360
		571, 572	0.2386
		546	0.0282
		538	0.1728
		537	0.2165
		525	0.0630
		526	0.1326
		527	0.0294
		530	0.0360
		528	0.1530
		506 (शा0 नाला)	0.0306
		516	0.1440
		517	0.0054
		519	0.0108
		515 (शा0 सड़क)	0.0360
		513	0.0054
		512	0.1476
		440 (शा0 नाला)	0.0540
		511	0.0540
		474	0.1260
		475	0.3348
		502	0.1296
		500	0.1224
		499	0.0576
		495	0.1350
		496	0.3510
		489 (शा0 सड़क)	0.0216
		105	0.0854
		104 (शा0 भूमि)	0.0054
		103 (शा0 सड़क)	0.0802
		78	0.0565
		77	0.2052
		76	0.1845

1	2	3	4
2	पिपलोदा द्वारकाधीश (जारी.....)	75	0.0398
		74	0.3027
		73	0.3911
		72	0.2824
		54	0.2340
		55	0.2674
		56	0.0360
		57	0.0270
3	गावडी	671 (शा0 नाला)	0.0108
		683	0.1494
		680	0.0720
		679	0.0450
		677	0.0036
		678	0.1440
		673	0.1944
		647	0.1944
		648	0.0270
		649, 650	0.0180
		646	0.1440
		645	0.0612
		611 Is 624	0.3600
		610	0.0987
		609	0.1476
		406, 408	0.0180
		405	0.1158
		404	0.0540
		164	0.0150
		161	0.1592
		159	0.1044
		158	0.0720
		173	0.0252
		116	0.0338
		117	0.1800
		109	0.0990
		118	0.0540
		108	0.0684
		128	0.0603
		127	0.0540
		129	0.0612
		130	0.2271
		128	0.0603
		127	0.0540
		129	0.0612
		130	0.2271
4	माधोपुर	95, 96, 97, 99	0.7200
		79	0.0360
		65 (रिस्वे विभाग)	0.2160
		8	0.0512
		6, 7	0.1791
		27	0.2090
		28	0.0360
		32	0.0540
		31	0.0195
		29, 30	0.0180

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 25th April, 2005

S. O. 1598.— Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.100, dated the 6th January, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 8th January, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 25th January, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land, specified in the Schedule, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL : UJJAIN		DISTRICT : UJJAIN	STATE : MADHYA PRADESH
S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1	PALKHANDA	547	0.0432
		544	0.2160
		545	0.0684
		542	0.2304
		505	0.4248
		507/574	0.1656
		503	0.2520
		502	0.0270
		427 (G. Road)	0.0666
		483	0.1262
		484	0.0684
		485	0.0540
		488	0.3520
		487	0.1350
		466	0.1980
		467	0.0720
		468	0.1044
		444	0.1296
		445	0.0090
		446	0.0360
		313 (G. Drain)	0.0576
		293	0.2250
		279	0.5400
		297	0.0720
		278	0.1080
		277	0.2520
		257	0.0954
		258	0.0756
		259	0.0648

1	2	3	4
1	PALKHANDA (Contd.....)	260	0.0612
		254	0.1620
		252	0.1440
		253	0.0990
2	PIPLODA DWARKADHISH	1093	0.1275
		1087	0.0360
		1084	0.1778
		1085	0.3096
		1075	0.0396
		1074	0.3010
		1073	0.0924
		1050 (G. Road)	0.0216
		1048	0.2880
		1045	0.2050
		1044	0.2274
		1025	0.0020
		1026	0.2196
		1027	0.0086
		1029	0.1580
		1035, 1036	0.2268
		1037	0.0850
		1038, 1039	0.0540
		618	0.1345
		619, 620	0.2034
		617 (G. Road)	0.2736
		573	0.0360
		571, 572	0.2386
		546	0.0282
		538	0.1728
		537	0.2165
		525	0.0630
		526	0.1326
		527	0.0294
		530	0.0360
		528	0.1530
		506 (G. Road)	0.0306
		516	0.1440
		517	0.0054
		519	0.0108
		515 (G. Road)	0.0360
		513	0.0054
		512	0.1476
		440 (G. Drain)	0.0540
		511	0.0540
		474	0.1260
		475	0.3348
		502	0.1296
		500	0.1224
		499	0.0576
		495	0.1350
		496	0.3510
		489 (G. Road)	0.0216
		105	0.0854
		104 (G.L.)	0.0054
		103 (G. Road)	0.0802
		78	0.0565
		77	0.2052
		76	0.1845
		75	0.0396
		74	0.3027

1	2	3	4
2	PIPLODA DWARKADHISH (Contd.....)	73 72 54 55 56 57	0.3911 0.2824 0.2340 0.2674 0.0360 0.0270
3	GAVADI	671 (G. Drain) 683 680 679 677 678 673 647 648 649, 650 646 645 611 to 624 610 609 406, 408 405 404 164 161 159 158 173 116 117 109 118 108 128 127 129 130	0.0108 0.1494 0.0720 0.0450 0.0036 0.1440 0.1944 0.1944 0.0270 0.0180 0.1440 0.0612 0.3600 0.0987 0.1476 0.0180 0.1158 0.0540 0.0150 0.1592 0.1044 0.0720 0.0252 0.0338 0.1800 0.0990 0.0540 0.0684 0.0603 0.0540 0.0612 0.2271
4	MADHOPUR	95, 96, 97, 99 79 65 (Railway Deptt.) 8 6, 7 27 28 32 31 29, 30	0.7200 0.0360 0.2160 0.0512 0.1791 0.2090 0.0360 0.0540 0.0195 0.0180

[F.N. R-31015/66/2004-OR-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 26 अप्रैल, 2005

का. आ. 1599.—केंद्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 3308 तारीख 22 दिसंबर, 2004, जो भारत के राजपत्र तारीख 25 दिसंबर, 2004 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 21 जनवरी, 2005 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केंद्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केंद्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब केंद्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केंद्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केंद्रीय सरकार में निहित होने की वजाए, सभी विल्लंगमों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : सांवेर		जिला : इन्दौर	राज्य : मध्यप्रदेश
क्र.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1	मांगल्या	19	0.1206
		1	0.0756
2	गारी पिपल्या	250	0.2500
		249	0.2664
		247	0.1944
		245	0.1168
		246	0.1026
		240	0.3060
		242	0.3005
		241	0.2574
		220	0.0594
		200	0.0481
		248 (शा0 रास्ता)	0.0216
		230	0.0610
3	रामा पिपल्या	286	0.1044
		290	0.0870
		291	0.5382
		292	0.1800
		293	0.1750
		281	0.3060
		280	0.0267
		274	0.0216
		263	0.6120
		262	0.1404
		260	0.3365

1	2	3	4
3	रामा पिपल्या (जारी.....)	259	0.1548
		247	0.1948
		232	0.0450
		273 (शा0 रास्ता)	0.0318
		222	0.0360
4	खाकरोद	290 (शा0 रास्ता)	0.0450
		260	0.3000
		265	0.5847
		270	0.0900
		276 (शा0 रास्ता)	0.0180
		272	0.1602
		273	0.1566
		274	0.2340
		289	0.3834
		309 (शा0 रास्ता)	0.0864
		305	0.3942
		304	0.3468
		293	0.0540
		298	0.2106
		261	0.2569
		299	0.2148
5	टोडी	432	0.0450
		427	0.0050
		428	0.2358
		421 (शा0 रास्ता)	0.0216
		420	0.4140
		419	0.1983
		401	0.0096
		404	0.4788
		378	0.1710
		375	0.0540
		367, 433	0.0990
		429	0.2280
		400	0.0009
		409	0.0072
6	बरलाई जागीर	735	0.0900
		755	0.1115
		754	0.2987
		753	0.1392
		743 (शा0 रास्ता)	0.0630
		737	0.1894
		738	0.4021
		739	0.5760
		731	0.6974
		710	0.5130
		711	0.1350
		712	0.0050
		713	0.2700
		714	0.1620
		716	0.3780
		717	0.3060

1	2	3	4
6	बरलाई जागीर (जारी...)	702 (शा० रास्ता)	0.0270
		701	0.0396
		693	0.3622
		695	0.4080
		680	0.2610
		681	0.0450
		682	0.1080
		679	0.2929
		675 (शा० रास्ता)	0.0108
		674	0.2160
		665	0.3834
		78	0.4757
		70 (शा० रास्ता)	0.0450
		69	0.2265
		68	0.0108
		65	0.0445
		66	0.1191
		12	0.2700
		14	0.1980
		15	0.2948
		20	0.2520
		22 (शा० रास्ता)	0.0450
		31	0.5762
		28	0.0687
		688	0.0098
7	पुवारडा दाई	175	0.0540
		125	0.5310
		133	0.0360
		124	0.2880
		135	0.2484
		139	0.1152
		141 (शा० रास्ता)	0.0108
		142 (शा० रास्ता)	0.0270
		85 (शा० रास्ता)	0.0090
		144/669	0.2520
		144	0.1890
		145	0.1260
		85	0.0720
		146	0.0990
		66	0.0630
		64	0.3960
		60	0.0900
		59 (शा० नाला)	0.0180
		25	0.0450
		24	0.1620
		13	0.0180
		106	0.0065
		51	0.0028
		22	0.0035
		23	0.0100
8	पुवारडा हप्पा	69	0.0360

1	2	3	4
8	पुवारडा हप्पा (जारी.....)	76	0.4050
		81	0.3600
		57	0.4140
		56 (शा0 रास्ता)	0.0540
		51	0.3060
		52	0.2970
		24, 25, 26	0.6570
		11	0.3780
		12	0.0540
		58	0.0078
9	मच्छुखेडी	119	0.1080
		50	0.4699
		51	0.0100
		52	0.3708
		112	0.0927
		111	0.1422
		110	0.0720
		109	0.0216
		108	0.0864
		105 (शा0 रास्ता)	0.0144
		104	0.2115
		101	0.2935
		266	0.1620
		100	0.0864
		99	0.1292
		97	0.1008
		94 (शा0 रास्ता)	0.0270
		92	0.0270
		166	0.5400
		89	0.0270
		90	0.2227
		167 (शा0 रास्ता)	0.0270
		173	0.1014
		169	0.2070
		170	0.1080
		173/272	0.1080
		172	0.1440
		86	0.0180
		162	0.0093
		96	0.0241
10	माकोडिया	502	0.0296
		501	0.1710
		500	0.0810
		495	0.0720
		376	0.0360
		499	0.0480
		485	0.0764

New Delhi, the 26th April, 2005

S. O. 1599.— Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.3308, dated the 22nd December, 2004, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India dated the 25th December, 2004, the Central Government declared its intention to acquire the right of user in the land; specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 21st January, 2005;

And whereas the Competent Authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land, specified in the Schedule, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL : SANWER		DISTRICT : INDORE	STATE : MADHYA PRADESH
S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1	MANGLYA	19	0.1206
		1	0.0756
2	GARI PIPLIYA	250	0.2500
		249	0.2664
		247	0.1944
		245	0.1168
		246	0.1026
		240	0.3060
		242	0.3005
		241	0.2574
		220	0.0594
		200	0.0481
		248 (G. Road)	0.0216
		230	0.0610
3	RAMA PIPLIYA	286	0.1044
		290	0.0870
		291	0.5382
		292	0.1800
		293	0.1750
		281	0.3060
		280	0.0267
		274	0.0216
		263	0.6120
		262	0.1404
		260	0.3365
		259	0.1548

1	2	3	4
3	RAMA PIPLIYA (Contd.....)	247	0.1948
		232	0.0450
		273 (G. Road)	0.0318
		222	0.0360
4	KHAKROD	290 (G. Road)	0.0450
		260	0.3000
		265	0.5847
		276	0.0900
		276 (G. Road)	0.0180
		272	0.1602
		273	0.1566
		274	0.2340
		289	0.3834
		309 (G. Road)	0.0864
		305	0.3942
		304	0.3468
		293	0.0540
		298	0.2106
		261	0.2569
		299	0.2148
5	TODI	432	0.0450
		427	0.0050
		428	0.2358
		421 (G. Road)	0.0216
		420	0.4140
		419	0.1983
		401	0.0096
		404	0.4788
		378	0.1710
		375	0.0540
		367, 433	0.0990
		429	0.2280
		400	0.0009
		409	0.0072
6	BARLAI JAGIR	735	0.0900
		755	0.1115
		754	0.2987
		753	0.1392
		743 (G. Road)	0.0630
		737	0.1894
		738	0.4021
		739	0.5760
		731	0.6974
		710	0.5130
		711	0.1350
		712	0.0050
		713	0.2700
		714	0.1620
		716	0.3780
		717	0.3060
		717	0.3060
		702 (G. Road)	0.0270
		701	0.0396
		693	0.3622
		695	0.4080

1	2	3	4
6	BARLAI JAGIR (Contd.....)	680	0.2610
		681	0.0450
		682	0.1080
		679	0.2929
		675 (G. Road)	0.0108
		674	0.2160
		665	0.3834
		78	0.4757
		70 (Cart Trak)	0.0450
		69	0.2265
		68	0.0108
		65	0.0445
		66	0.1191
		12	0.2700
		14	0.1980
		15	0.2948
		20	0.2520
		22 (G. Road)	0.0450
		31	0.5762
		28	0.0687
		688	0.0098
7	PUWARDA DAI	175	0.0540
		125	0.5310
		133	0.0360
		124	0.2880
		135	0.2484
		139	0.1152
		141 (G. Road)	0.0108
		142 (G. Road)	0.0270
		85 (G. Road)	0.0090
		144/669	0.2520
		144	0.1890
		145	0.1260
		85	0.0720
		146	0.0990
		66	0.0630
		64	0.3960
		60	0.0900
		59 (G. Drain)	0.0180
		25	0.0450
		24	0.1620
		13	0.0180
		106	0.0065
		51	0.0028
		22	0.0035
		23	0.0100
8	PUWARDA HAPPA	69	0.0360
		76	0.4050
		81	0.3600
		57	0.4140
		56 (G. Road)	0.0540
		51	0.3060
		52	0.2970
		24, 25, 26	0.6570
		11	0.3780

1	2	3	4
8	PUWARDA HAPPA (Contd..)	12	0.0540
		58	0.0078
9	MACHHUKHEDI	119	0.1080
		50	0.4699
		51	0.0100
		52	0.3708
		112	0.0927
		111	0.1422
		110	0.0720
		109	0.0216
		108	0.0864
		105 (G. Road)	0.0144
		104	0.2115
		101	0.2935
		266	0.1620
		100	0.0864
		99	0.1292
		97	0.1008
		94 (G. Road)	0.0270
		92	0.0270
		166	0.5400
		89	0.0270
		90	0.2227
		167 (G. Road)	0.0270
		173	0.1014
		169	0.2070
		170	0.1080
		173/272	0.1080
		172	0.1440
		86	0.0180
		162	0.0093
		96	0.0241
10	MAKODIYA	502	0.0296
		501	0.1710
		500	0.0810
		495	0.0720
		376	0.0360
		499	0.0480
		485	0.0764

[F.N. R-31015/62 / 2004-OR-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 25 अप्रैल, 2005

शुद्धिपत्र

का. आ. 1600.—भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 3195 तारीख 13 दिसम्बर, 2004 के हिन्दी रूपान्तर में, जो भारत के राजपत्र, भाग II, खण्ड 3, उपखण्ड (ii) तारीख 18 दिसम्बर, 2004 के पृष्ठों 9607 से 9618 में प्रकाशित हुई थी, पृष्ठ 9607 की पंक्तियों 14 से 16 में "श्री रामकरण शर्मा, सक्षम प्राधिकारी, मुन्ना-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, मकान सं. 1418, सेक्टर-6, बहादुरगढ़-124507, जिला झज्जर (हरियाणा)" शब्दों के स्थान पर "श्री शिवदत्त गौड़, सक्षम प्राधिकारी, मुन्ना-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन परियोजना, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, 16, कृष्णा विहार, नारायण निवास के पास, गोपालपुरा बाईपास रोड, जयपुर-302018 (राजस्थान)" पढ़ें।

[फा. सं. आर-31015/60/2004-ओ.आर-II]

हरीश कुमार, अवर सचिव

नई दिल्ली, 25 अप्रैल, 2005

का. आ. 1601.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि महाराष्ट्र राज्य में लोनी (पुणे) से पकनी (सोलापुर) तक हज़ारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इस से उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री एस एन कुन्देत्कर, सक्षम प्राधिकारी, मुम्बई-पुणे पाइपलाइन विस्तार परियोजना (लोनी से पकनी तक, हज़ारवाडी के रास्ते), हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, मेगा सेंटर, मागरपट्टा - एम व एन विंग, हादापसर-411 028 (पुणे जिला), महाराष्ट्र राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुका : कडेगाँव			जिला : सांगली		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	उपाले वांगी	143		4 ब	00	06	22
		148			00	00	86
				कुल	00	07	08
2	मायणी		157		00	01	37
	उपाले		204		00	07	15
				कुल	00	08	52
3	तोंडोली		261		00	02	87
			284		00	09	34
			295		00	03	94
			309		00	04	67
			318		00	06	71
			403		00	03	36
			701		00	01	04
			700		00	03	65
			690		00	03	56
				कुल	00	39	14
4	अमरापुर		872		00	06	67
			862		00	02	13
			834		00	01	09
			827		00	00	37
			958		00	00	61
			955		00	00	38
			967		00	00	56
			974		00	00	83
			1015		00	00	72
			1016		00	01	27
			1017		00	02	16
			1018		00	06	93
			1030		00	03	57
			1032		00	01	85
			1033		00	01	70
				कुल	00	30	84
5	येवलेवाडी		208		00	00	42
			211		00	00	60
			191		00	02	76
			173		00	01	56
			133		00	04	36
				कुल	00	09	70

तालूका : कडेगाँव			जिला : सांगली		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
6	वडिये रायबाग		1413	3	00	01	87
			1413	4	00	04	18
			1413	6	00	01	27
			1413	7	00	02	14
			1413	15	00	02	16
			1383		00	00	50
			1250		00	02	69
			1117		00	02	00
			1116		00	11	37
कुल					00	28	18
7	सेलकबाव		258		00	02	18
			372		00	03	43
			404		00	04	84
			411		00	02	39
			389		00	00	65
			388		00	04	28
			384		00	02	09
			382		00	03	77
			565		00	00	40
कुल					00	24	03

[फा. सं. आर-31015/29/2004-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 25th April, 2005

S. O. 1601.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Loni (Pune) to Pakni (Solapur) via Hazarwadi in the State of Maharashtra, an extension pipeline should be laid by Hindustan Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under land to Shri S. N. Kundetkar, Competent Authority, Mumbai-Pune Pipeline Extension Project (from Loni to Pakni via Hazarwadi), Hindustan Petroleum Corporation Limited, Mega Center, Magarpatta-M&N Wing, Hadapsar-411 028, Pune District, Maharashtra.

SCHEDULE

Taluka : KADEGAON			Dist : SANGLI		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
1	UPALE VANGI	143		4 B	00	06	22
		148			00	00	86
Total					00	07	08
2	UPALE MAYNI		157		00	01	37
			204		00	07	15
Total					00	08	52
3	TONDOLI		261		00	02	87
			284		00	09	34
			295		00	03	94
			309		00	04	67
			318		00	06	71
			403		00	03	36
			701		00	01	04
			700		00	03	65
			690		00	03	56
		Total					00
4	AMRAPUR		872		00	06	67
			862		00	02	13
			834		00	01	09
			827		00	00	37
			958		00	00	61
			955		00	00	38
			967		00	00	56
			974		00	00	83
			1015		00	00	72
			1016		00	01	27
			1017		00	02	16
			1018		00	06	93
			1030		00	03	57
			1032		00	01	85
			1033		00	01	70
Total					00	30	84
5	YEVELEVADI		208		00	00	42
			211		00	00	60
			191		00	02	76
			173		00	01	56
			133		00	04	36
Total					00	09	70

Taluka : KADEGAON			Dist : SANGLI		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
6	VADIYE RAYBAGH		1413	3	00	01	87
			1413	4	00	04	18
			1413	6	00	01	27
			1413	7	00	02	14
			1413	15	00	02	16
			1383		00	00	50
			1250		00	02	69
			1117		00	02	00
			1116		00	11	37
Total					00	28	18
7	SHELEGBAV		258		00	02	18
			372		00	03	43
			404		00	04	84
			411		00	02	39
			389		00	00	65
			388		00	04	28
			384		00	02	09
			382		00	03	77
			565		00	00	40
Total					00	24	03

[No. R-31015/29/2004-O.R.-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 25 अप्रैल, 2005

का. आ. 1602.— केन्द्रीय सरकार ने पेट्रोलियम और प्राकृतिक गैस मंत्रालय के का. आ. 3218 दिनांक 16.12.2004 द्वारा पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन अधिसूचना प्रकाशित कर, ब्यावर से चित्तौड़गढ़ तक पेट्रोलियम उत्पादों के परिवहन के लिए “सिद्धपुर-सांगानेर पाइपलाइन से चित्तौड़गढ़ तक ब्रान्च लाईन” के कार्यान्वयन हेतु एक शाखा पाइपलाइन बिछाने के लिये उक्त अधिसूचना में विनिर्दिष्ट तहसील मसूदा, जिला अजमेर, राजस्थान राज्य की भूमि अधिसूचित की थी।

और उक्त अधिसूचना की प्रतियाँ जनता को दिनांक 10.01.2005 तक उपलब्ध करा दी गई थी। और उक्त अधिनियम की धारा 6 की उप-धारा (1) के अनुसरण में सक्षम प्राधिकारी, राजस्थान, ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाता है।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : मसूदा		जिला: अजमेर		राज्य : राजस्थान	
गांव का नाम	खसरा सख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
अन्धेरी देवरी	13	0	00	20	
	11	0	07	00	
	1099/1	0	07	40	
	1098	0	00	60	
	1097	0	09	80	
	1143	0	00	90	
	1096	0	04	80	
	1137	0	02	20	
	1142	0	04	00	
	1145	0	06	10	
	1146	0	05	20	
	1149	0	10	30	
	1159	0	02	20	
	1157	0	02	40	
	1158	0	04	70	
	1166/1	0	07	20	
	1165	0	07	30	
	1160	0	00	20	
	1169	0	00	20	
	1168	0	11	00	
	5351	0	00	30	
	5398/1	0	32	10	
	49/1	0	05	60	
	49/2	0	02	90	
	49/3	0	05	20	
श्यामगढ़	75	0	00	20	
	73	0	06	50	
	74	0	05	20	
खीमपुरा					

तहसील : मसूदा		जिला: अजमेर		राज्य : राजस्थान	
गांव का नाम	खसरा सख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	81	0	00	20	
	82	0	05	10	
	83	0	04	50	
	90/1	0	08	30	
	89/1	0	00	20	
	89/2	0	00	20	
	90/2	0	00	20	
	95	0	05	60	
	96	0	04	10	
	97	0	04	40	
	114	0	02	90	
	113	0	04	00	
	112	0	10	50	
	110	0	00	20	
	505	0	04	10	
	506	0	04	30	
	507	0	00	60	
	504	0	00	20	
	514	0	03	10	
	515	0	03	40	
	516	0	05	80	
	520	0	00	20	
	521	0	00	20	
	517	0	03	70	
	497	0	01	50	
	518	0	00	80	
	496	0	04	10	
	539/2	0	00	80	
	539/1	0	02	70	

तहसील : मसूदा		जिला: अजमेर		राज्य : राजस्थान	
गांव का नाम	खसरा सख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	540/1	0	04	90	
	541	0	04	20	
	553	0	04	10	
	554/1	0	06	50	
	554/2	0	00	70	
कुमपुरा	335/1	0	02	00	
	334/1	0	02	80	
	333/1	0	04	20	
चौदासिया	398/1	0	00	20	
	400	0	02	10	
	403	0	01	00	
	401	0	00	80	
	402	0	01	80	
	433/765	0	17	10	
	433/7	0	02	60	
	412/2	0	00	20	
	415	0	00	30	
	433/6	0	02	90	
	417	0	02	50	
	418	0	06	50	
	433/5	0	01	50	
	421	0	09	30	
	433/4	0	00	20	
	432	0	08	70	
	431	0	09	40	
	435/4	0	04	50	
	430	0	05	20	
	428/1	0	06	80	
	428/2	0	01	80	
	436/1	0	04	60	

तहसील : मसूदा		जिला: अजमेर		राज्य : राजस्थान	
गांव का नाम	खसरा सख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	437/2	0	06	50	
	438/1	0	07	10	
	437/3	0	01	60	
	439	0	08	40	
	438/2	0	00	20	
	440	0	03	40	
	321	0	04	60	
	324	0	02	60	
	325	0	00	20	
	316	0	03	50	
	317	0	04	90	
	320	0	04	10	
	313	0	02	90	
	312	0	03	10	
	576	0	01	30	
	577	0	01	80	
	578	0	08	20	
	582	0	01	90	
	583	0	07	10	
	584	0	02	20	
	639	0	04	10	
	656	0	15	30	
	655	0	00	90	
	657	0	02	50	
	659	0	06	50	
	660	0	06	40	
	691/1	0	12	40	
	693	0	06	70	
	692	0	00	20	
	700/1	0	06	60	

तहसील : मसूदा	जिला: अजमेर	राज्य : राजस्थान		
गांव का नाम	खसरा सख्या	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5
	699	0	11	40
	711/1	0	03	10
	703	0	00	20
	709	0	05	00
	710	0	07	50
	706	0	01	10
	726	0	01	50
	725	0	11	00
	727	0	01	60
	728/1	0	10	20
	728/2	0	00	80
लुलवा	5266	0	04	00
	5267	0	12	30
कांकरनाड़ी	2	0	10	20
	3	0	08	40
	4	0	12	00
	20	0	00	70
	21	0	00	20
	18	0	00	20
	17	0	00	60
	16	0	14	60
	80	0	03	70
	111	0	03	90
प्रतापपुरा . I	51	0	22	30
देवीपुरा	409	0	00	20
	414	0	04	30
	413	0	05	40
	412	0	00	50
	415	0	04	20
	416	0	06	60

तहसील : मसूदा		जिला: अजमेर		राज्य : राजस्थान	
गांव का नाम	खसरा सख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	418	0	09	70	
	467	0	00	70	
	419	0	00	20	
	417	0	00	20	
	466	0	06	00	
	465	0	05	00	
	457	0	02	80	
	458	0	02	90	
	459	0	00	30	
	456	0	00	40	
	472	0	03	40	
	496	0	04	30	
	495	0	04	30	
	493	0	01	00	
	498	0	04	60	
	499	0	04	50	
	492	0	07	40	
	490	0	00	20	
	510	0	00	70	
	509	0	05	60	
	478	0	03	90	
	533	0	01	80	
उत्तमी	453	0	00	30	
	455	0	13	00	
	456मिन	0	01	50	
	463	0	11	30	
	487	0	10	20	
	483	0	03	00	
	518	0	11	50	
	520	0	02	60	

तहसील : मसूदा		जिला: अजमेर		राज्य : राजस्थान	
गांव का नाम	खसरा सख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	521	0	04	40	
	522	0	04	10	
	523	0	03	30	
	524	0	05	10	
	544	0	07	30	
	543	0	05	40	
	542	0	07	50	
	751	0	05	00	
	770	0	00	70	
	765	0	00	20	
	771	0	03	00	
	772	0	02	20	
	773	0	05	70	
	774मिन	0	05	60	
	777	0	11	10	
	858	0	00	50	
	859	0	03	10	
	860	0	00	50	
	861	0	00	20	
	857	0	01	10	
	856	0	02	10	
	884	0	06	50	
	877	0	02	80	
	882	0	00	60	
	880	0	07	80	
	889	0	05	50	
	881	0	00	20	
	890	0	09	00	
	897	0	02	50	
	896	0	01	90	

तहसील : मसूदा		जिला: अजमेर		राज्य : राजस्थान	
गांव का नाम	खसरा सख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
दौलतपुरा	898	0	01	80	
	900	0	01	60	
	895	0	00	20	
	899	0	02	30	
	901	0	02	90	
	840	0	00	30	
	839	0	10	10	
	838	0	03	40	
	23	0	00	20	
	22	0	05	70	
	17	0	01	00	
	21	0	04	70	
	16	0	02	90	
	28	0	01	80	
	27	0	02	30	
	27/1911	0	02	80	
	15	0	00	20	
	31	0	02	20	
	30	0	02	40	
	137	0	05	70	
	135	0	02	20	
	140	0	01	90	
	142	0	01	10	
	141	0	08	70	
	130	0	01	20	
	110	0	02	00	
	131	0	15	10	
	115	0	07	50	
	116	0	00	90	
	114	0	02	50	

तहसील : मसूदा		जिला: अजमेर		राज्य : राजस्थान	
गांव का नाम	असरा सख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	113	0	02	00	
	112	0	02	20	
	117	0	04	90	
	259	0	18	60	
	191	0	06	10	
	196	0	07	40	
	197	0	06	50	
	199	0	06	30	
	202	0	03	20	
	203	0	02	90	
	205	0	06	80	
	208	0	00	20	
	215	0	04	50	
	213	0	01	50	
	214	0	09	30	
	212	0	03	60	
रेनपुरा	212	0	04	20	
	213	0	03	30	
	214	0	03	10	
	215	0	02	50	
	216	0	02	20	
	217	0	04	00	
	219	0	03	20	
	220	0	02	30	
	223	0	03	80	
	234	0	06	80	
	239	0	10	00	
	238	0	01	00	
	224	0	00	20	
	272	0	02	30	

तहसील : मसूदा		जिला: अजमेर		राज्य : राजस्थान	
गांव का नाम	खसरा सख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
कानपुरा	271	0	03	70	
	240	0	02	00	
	270	0	03	50	
	269	0	06	30	
	277	0	00	30	
	274	0	11	40	
	275	0	20	90	
	247	0	07	60	
	238	0	02	00	
	251	0	00	20	
	240	0	06	40	
	241	0	04	10	
	239	0	05	00	
	236	0	06	70	
	230	0	00	60	
	232	0	09	00	
	228	0	12	20	
	229	0	00	60	
	227	0	01	00	
	226	0	02	10	
	225	0	07	50	
	191	0	09	70	
	192	0	00	20	
	193	0	00	20	
	194	0	12	10	
	185	0	04	40	
	195	0	00	20	
	180	0	00	20	
	181	0	14	30	
	162	0	07	20	

तहसील : मसूदा		जिला: अजमेर		राज्य : राजस्थान	
गांव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	163	0	00	40	
	179	0	00	20	
	161	0	03	40	
	159	0	06	70	
	566	0	04	40	
	570	0	09	10	
	571	0	04	50	
	565	0	00	60	
	582	0	03	50	
	580	0	00	20	
	583	0	09	10	
	579	0	02	30	
	585	0	00	40	
	584	0	06	30	
	587	0	00	80	
	588	0	20	20	
जिवाना	2169	0	17	80	
	2172	0	00	20	
	2168	0	00	90	
	2174	0	03	40	
	2173	0	01	00	
	2175	0	22	80	
	2167	0	00	20	
	2177	0	01	70	
	2183	0	05	90	
	2181	0	07	70	
	2180	0	03	20	
	2179	0	00	50	
	2238	0	00	20	
	2256	0	00	20	

तहसील : मसूदा		जिला: अजमेर		राज्य : राजस्थान	
गांव का नाम	खसरा सख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	2258	0	04	30	
	2383	0	02	20	
	2384	0	03	40	
	2619	0	04	30	
	2680/2619	0	12	30	
	2620	0	11	60	
	2622	0	10	60	
	2637	0	00	30	
	2638	0	00	30	
देवास	248	0	09	40	
	282	0	09	70	
	281	0	00	20	
	280	0	07	50	
	275	0	09	00	
	273	0	03	70	
	272	0	03	50	
	267	0	07	50	
	266	0	07	70	
	330	0	06	50	
	332	0	12	10	
	336	0	08	20	
	394	0	14	00	
	424	0	01	50	
	425	0	11	50	
	423	0	00	90	
	426	0	01	10	
	427	0	02	20	
	429	0	03	80	
	726	0	03	00	
	727	0	15	70	

तहसील : मसूदा		जिला: अजमेर		राज्य : राजस्थान	
गांव का नाम	खसरा सख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	729	0	10	70	
	728	0	00	20	
	724	0	01	80	
	722	0	01	70	
	721	0	06	50	
	720	0	08	60	
	679	0	01	70	
	678	0	08	70	
	680	0	18	40	
	681	0	05	30	
	682	0	00	20	
	759	0	07	20	
	620	0	07	50	
	343	0	11	50	
	619	0	01	50	
	786	0	07	10	
	787	0	16	90	
अमरपुरा	351	0	01	20	
	348	0	05	90	
	356	0	05	50	
	354	0	09	50	
	355	0	08	40	
	480	0	05	90	
	479	0	02	30	
	482	0	01	10	
	484	0	04	40	
	475	0	08	60	
	476	0	07	80	
	469	0	04	50	
	500	0	06	20	

तहसील : मसूदा		जिला: अजमेर		राज्य : राजस्थान	
गांव का नाम	खसरा सख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	501	0	08	50	
	503	0	10	00	
	468	0	00	40	
	489	0	00	20	
	504	0	07	40	
	570	0	09	80	
	575	0	08	30	
	577	0	00	40	
	576	0	17	20	
	560	0	07	50	
	582	0	00	20	
	585	0	02	20	
	584	0	19	10	
	587	0	00	50	
	586	0	14	90	
	604	0	06	50	
	603	0	00	20	
	618	0	00	20	
	616	0	03	60	
	619	0	10	70	
	623	0	00	20	
	615	0	04	70	
	614	0	05	00	
	613	0	09	50	
	611	0	08	80	
	628	0	10	60	
	641	0	18	40	
	648	0	43	70	
	650	0	13	10	
	663	0	19	60	
	657	0	11	70	
	656	0	01	00	
अकरोल	16	0	14	40	
	17	0	5	30	

तहसील : मसूदा		जिला: अजमेर		राज्य : राजस्थान	
गांव का नाम	खसरा सख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	18	0	04	10	
	22	0	03	50	
	31	0	00	30	
	23मिन	0	04	60	
	29	0	01	40	
	28	0	01	40	
	27	0	03	10	
	41	0	00	20	
	81	0	01	10	
	82	0	07	20	
	83	0	04	40	
	84	0	01	20	
	85	0	00	20	

[फा. सं. आर-25011/30/2004-ओ.आर-1]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 25th April, 2005

S. O. 1602.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. number 3218 dated 16.12.2004 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land in **Tehsil : Masuda, District : Ajmer** in the State of Rajasthan, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum products in the State of Rajasthan from Beawar to Chittaurgarh in respect of "Branch Pipeline to Chittaurgarh from Sidhpur – Sanganer Pipeline" by the Indian Oil Corporation Limited

And whereas, copy of the said notification was made available to the general public on 10.01.2005

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this Notification should be acquired;

Now, therefore; in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vests from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : MASUDA		District : AJMER		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
ANDHERI DEVRI	13	0	00	20	
	11	0	07	00	
	1099/1	0	07	40	
	1098	0	00	60	
	1097	0	09	80	
	1143	0	00	90	
	1096	0	04	80	
	1137	0	02	20	
	1142	0	04	00	
	1145	0	06	10	
	1146	0	05	20	
	1149	0	10	30	
	1159	0	02	20	
	1157	0	02	40	
	1158	0	04	70	
	1166/1	0	07	20	
	1165	0	07	30	
	1160	0	00	20	
	1169	0	00	20	
	1168	0	11	00	
SHYAMGARH	5351	0	00	30	
	5398/1	0	32	10	
KHIMPURA	49/1	0	05	60	
	49/2	0	02	90	
	49/3	0	05	20	
	75	0	00	20	
	73	0	06	50	
	74	0	05	20	

Tehsil : MASUDA		District : AJMER		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Acre	Sq.mtr.	
1	2	3	4	5	
	81	0	00	20	
	82	0	05	10	
	83	0	04	50	
	90/1	0	08	30	
	89/1	0	00	20	
	89/2	0	00	20	
	90/2	0	00	20	
	95	0	05	60	
	96	0	04	10	
	97	0	04	40	
	114	0	02	90	
	113	0	04	00	
	112	0	10	50	
	110	0	00	20	
	505	0	04	10	
	506	0	04	30	
	507	0	00	60	
	504	0	00	20	
	514	0	03	10	
	515	0	03	40	
	516	0	05	80	
	520	0	00	20	
	521	0	00	20	
	517	0	03	70	
	497	0	01	50	
	518	0	00	80	
	496	0	04	10	
	539/2	0	00	80	
	539/1	0	02	70	

Tehsil : MASUDA		District : AJMER		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
	540/1	0	04	90	
	541	0	04	20	
	553	0	04	10	
	554/1	0	06	50	
	554/2	0	00	70	
KUMPURA	335/1	0	02	00	
	334/1	0	02	80	
	333/1	0	04	20	
CHAUDASIYA	398/1	0	00	20	
	400	0	02	10	
	403	0	01	00	
	401	0	00	80	
	402	0	01	80	
	433/765	0	17	10	
	433/7	0	02	60	
	412/2	0	00	20	
	5	0	00	30	
	433/6	0	02	90	
	417	0	02	50	
	418	0	06	50	
	433/5	0	01	50	
	421	0	09	30	
	433/4	0	00	20	
	432	0	08	70	
	431	0	09	40	
	435/4	0	04	50	
	430	0	05	20	
	428/1	0	06	80	
	428/2	0	01	80	
	436/1	0	04	60	

Tehsil : MASUDA		District : AJMER		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
	437/2	0	06	50	
	438/1	0	07	10	
	437/3	0	01	60	
	439	0	08	40	
	438/2	0	00	20	
	440	0	03	40	
	321	0	04	60	
	324	0	02	60	
	325	0	00	20	
	316	0	03	50	
	317	0	04	90	
	320	0	04	10	
	313	0	02	90	
	312	0	03	10	
	576	0	01	30	
	577	0	01	80	
	578	0	08	20	
	582	0	01	90	
	583	0	07	10	
	584	0	02	20	
	639	0	04	10	
	656	0	15	30	
	655	0	00	90	
	657	0	02	50	
	659	0	06	50	
	660	0	06	40	
	691/1	0	12	40	
	693	0	06	70	
	692	0	00	20	
	700/1	0	06	60	

Tehsil : MASUDA		District : AJMER		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
	699	0	11	40	
	711/1	0	03	10	
	703	0	00	20	
	709	0	05	00	
	710	0	07	50	
	706	0	01	10	
	726	0	01	50	
	725	0	11	00	
	727	0	01	60	
	728/1	0	10	20	
	728/2	0	00	80	
LULWA	5266	0	04	00	
	5267	0	12	30	
KANKADNARI	2	0	10	20	
	3	0	08	40	
	4	0	12	00	
	20	0	00	70	
	21	0	00	20	
	18	0	00	20	
	17	0	00	60	
	16	0	14	60	
	80	0	03	70	
	111	0	03	90	
PRATAPPURA - I	51	0	22	30	
DEVIPURA	409	0	00	20	
	414	0	04	30	
	413	0	05	40	
	412	0	00	50	
	415	0	04	20	
	416	0	06	60	

Tehsil : MASUDA		District : AJMER		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
	418	0	09	70	
	467	0	00	70	
	419	0	00	20	
	417	0	00	20	
	466	0	06	00	
	465	0	05	00	
	457	0	02	80	
	458	0	02	90	
	459	0	00	30	
	456	0	00	40	
	472	0	03	40	
	496	0	04	30	
	495	0	04	30	
	493	0	01	00	
	498	0	04	60	
	499	0	04	50	
	492	0	07	40	
	490	0	00	20	
	510	0	00	70	
	509	0	05	60	
	478	0	03	90	
	533	0	01	80	
UTTAMI	453	0	00	30	
	455	0	13	00	
	456Min	0	01	50	
	463	0	11	30	
	487	0	10	20	
	483	0	03	00	
	518	0	11	50	
	520	0	02	60	

Tehsil : MASUDA		District : AJMER		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
	521	0	04	40	
	522	0	04	10	
	523	0	03	30	
	524	0	05	10	
	544	0	07	30	
	543	0	05	40	
	542	0	07	50	
	751	0	05	00	
	770	0	00	70	
	765	0	00	20	
	771	0	03	00	
	772	0	02	20	
	773	0	05	70	
	774Min	0	05	60	
	777	0	11	10	
	858	0	00	50	
	859	0	03	10	
	860	0	00	50	
	861	0	00	20	
	857	0	01	10	
	856	0	02	10	
	884	0	06	50	
	877	0	02	80	
	882	0	00	60	
	880	0	07	80	
	889	0	05	50	
	881	0	00	20	
	890	0	09	00	
	897	0	02	50	
	896	0	01	90	

Tehsil : MASUDA		District : AJMER		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
DAULATPURA	898	0	01	80	
	900	0	01	60	
	895	0	00	20	
	899	0	02	30	
	901	0	02	90	
	840	0	00	30	
	839	0	10	10	
	838	0	03	40	
	23	0	00	20	
	22	0	05	70	
	17	0	01	00	
	21	0	04	70	
	16	0	02	90	
	28	0	01	80	
	27	0	02	30	
	27/1911	0	02	80	
	15	0	00	20	
	31	0	02	20	
	30	0	02	40	
	137	0	05	70	
	135	0	02	20	
	140	0	01	90	
	142	0	01	10	
	141	0	08	70	
	130	0	01	20	
	110	0	02	00	
	131	0	15	10	
	115	0	07	50	
	116	0	00	90	
	114	0	02	50	

Tehsil : MASUDA		District : AJMER		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
	113	0	02	00	
	112	0	02	20	
	117	0	04	90	
	259	0	18	60	
	191	0	06	10	
	196	0	07	40	
	197	0	06	50	
	199	0	06	30	
	202	0	03	20	
	203	0	02	90	
	205	0	06	80	
	208	0	00	20	
	215	0	04	50	
	213	0	01	50	
	214	0	09	30	
	212	0	03	60	
RENPURA	212	0	04	20	
	213	0	03	30	
	214	0	03	10	
	215	0	02	50	
	216	0	02	20	
	217	0	04	00	
	219	0	03	20	
	220	0	02	30	
	223	0	03	80	
	234	0	06	80	
	239	0	10	00	
	238	0	01	00	
	224	0	00	20	
	272	0	02	30	

Tehsil : MASUDA		District : AJMER		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are		mtr.
1	2	3	4		
	271	0	03		70
	240	0	02		00
	270	0	03		50
	269	0	06		30
	277	0	00		30
	274	0	11		40
	275	0	20		90
KANPURA	247	0	07		60
	238	0	02		00
	251	0	00		20
	240	0	06		40
	241	0	04		10
	239	0	05		00
	236	0	06		70
	230	0	00		60
	232	0	09		00
	228	0	12		20
	229	0	00		60
	227	0	01		00
	226	0	02		10
	225	0	07		50
	191	0	09		70
	192	0	00		20
	193	0	00		20
	194	0	12		10
	185	0	04		40
	195	0	00		20
	180	0	00		20
	181	0	14		30
	162	0	07		20

Tehsil : MASUDA		District : AJMER		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
	163	0	00	40	
	179	0	00	20	
	161	0	03	40	
	159	0	06	70	
	566	0	04	40	
	570	0	09	10	
	571	0	04	50	
	565	0	00	60	
	582	0	03	50	
	580	0	00	20	
	583	0	09	10	
	579	0	02	30	
	585	0	00	40	
	584	0	06	30	
	587	0	00	80	
	588	0	20	20	
JIWANA	2169	0	17	80	
	2172	0	00	20	
	2168	0	00	90	
	2174	0	03	40	
	2173	0	01	00	
	2175	0	22	80	
	2167	0	00	20	
	2177	0	01	70	
	2183	0	05	90	
	2181	0	07	70	
	2180	0	03	20	
	2179	0	00	50	
	2238	0	00	20	
	2256	0	00	20	

Tehsil : MASUDA		District : AJMER		State : RAJASTHAN	
, Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
DEVAS	2258	0	04	30	
	2383	0	02	20	
	2384	0	03	40	
	2619	0	04	30	
	2680/2619	0	12	30	
	2620	0	11	60	
	2622	0	10	60	
	2637	0	00	30	
	2638	0	00	30	
	248	0	09	40	
	282	0	09	70	
	281	0	00	20	
	280	0	07	50	
	275	0	09	00	
	273	0	03	70	
	272	0	03	50	
	267	0	07	50	
	266	0	07	70	
	330	0	06	50	
	332	0	12	10	
	336	0	08	20	
	394	0	14	00	
	424	0	01	50	
	425	0	11	50	
	423	0	00	90	
	426	0	01	10	
	427	0	02	20	
	429	0	03	80	
	726	0	03	00	
	727	0	15	70	

Tehsil : MASUDA		District : AJMER		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
	729	0	10	70	
	728	0	00	20	
	724	0	01	80	
	722	0	01	70	
	721	0	06	50	
	720	0	08	60	
	679	0	01	70	
	678	0	08	70	
	680	0	18	40	
	681	0	05	30	
	682	0	00	20	
	759	0	07	20	
	620	0	07	50	
	343	0	11	50	
	619	0	01	50	
	786	0	07	10	
	787	0	16	90	
AMARPURA	351	0	01	20	
	348	0	05	90	
	356	0	05	50	
	354	0	09	50	
	355	0	08	40	
	480	0	05	90	
	479	0	02	30	
	482	0	01	10	
	484	0	04	40	
	475	0	08	60	
	476	0	07	80	
	469	0	04	50	
	500	0	06	20	

Tehsil : MASUDA		District : AJMER		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
	501	0	08	50	
	503	0	10	00	
	468	0	00	40	
	489	0	00	20	
	504	0	07	40	
	570	0	09	80	
	575	0	08	30	
	577	0	00	40	
	576	0	17	20	
	560	0	07	50	
	582	0	00	20	
	585	0	02	20	
	584	0	19	10	
	587	0	00	50	
	586	0	14	90	
	604	0	06	50	
	603	0	00	20	
	618	0	00	20	
	616	0	03	60	
	619	0	10	70	
	623	0	00	20	
	615	0	04	70	
	614	0	05	00	
	613	0	09	50	
	611	0	08	80	
	628	0	10	60	
	641	0	18	40	
	648	0	43	70	
	650	0	13	10	
	663	0	19	60	
	657	0	11	70	
	656	0	01	00	
AKROL	16	0	14	40	
	17	0	05	30	

Tehsil : MASUDA		District : AJMER		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
	18	0	04	10	
	22	0	03	50	
	31	0	00	30	
	23Min	0	04	60	
	29	0	01	40	
	28	0	01	40	
	27	0	03	10	
	41	0	00	20	
	81	0	01	10	
	82	0	07	20	
	83	0	04	40	
	84	0	01	20	
	85	0	00	20	

[No. R-25011/30/2004-O.R.-I]

S. K. CHITKARA, Under Secy.

नई दिल्ली, 25 अप्रैल, 2005

का. आ. 1603.— केन्द्रीय सरकार ने पेट्रोलियम और प्राकृतिक गैस मंत्रालय के का. आ. 157 दिनांक 11.01.2005 द्वारा पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन अधिसूचना प्रकाशित कर, ब्यावर से चित्तौड़गढ़ तक पेट्रोलियम उत्पादों के परिवहन के लिए “सिद्धपुर-सांगानेर पाइपलाइन से चित्तौड़गढ़ तक ब्रान्च लाईन” के कार्यान्वयन हेतु एक शाखा पाइपलाइन बिछाने के लिये उक्त अधिसूचना में विनिर्दिष्ट तहसील राशमी, जिला चित्तौड़गढ़, राजस्थान राज्य की भूमि अधिसूचित की थी।

और उक्त अधिसूचना की प्रतियाँ जनता को दिनांक 02.02.2005 तक उपलब्ध करा दी गई थी। और उक्त अधिनियम की धारा 6 की उप-धारा (1) के अनुसरण में सक्षम प्राधिकारी, राजस्थान, ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाता है।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : राशमी		जिला : चित्तौड़गढ़		राज्य : राजस्थान	
गांव का नाम	खसरा सख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
नेवरीया	327	0	02	00	
	328	0	09	80	
	330	0	00	20	
	329	0	15	70	
	336	0	03	00	
	333	0	02	40	
	335	0	06	70	
	338	0	22	70	
	371	0	08	10	
	370	0	07	10	
	478मिन	0	14	30	
	479	0	11	20	
	490	0	16	10	
	492	0	03	70	
	489	0	03	40	
	777	0	17	70	
	764	0	00	90	
	785	0	11	00	
	786	0	00	60	
	761	0	02	00	
	762	0	05	80	
	765	0	00	20	
	757	0	06	30	
	758	0	02	20	
	756	0	03	20	
	753	0	00	80	
	754	0	05	50	
	821	0	09	80	
	823	0	20	20	

तहसील : राशमी		जिला : चित्तौड़गढ़		राज्य : राजस्थान	
गांव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	831	0	10	70	
	830	0	11	70	
	834	0	00	20	
	1163	0	15	50	
	1162	0	02	20	
	1088	0	11	20	
	1103	0	10	10	
	1129	0	01	20	
	1123	0	00	40	
	1128	0	13	40	
	1127	0	01	00	
	1124	0	13	60	
	1116	0	00	40	
	1117	0	00	20	
	1125	0	01	30	
	1290	0	05	20	
	1296	0	00	20	
	1295	0	01	90	
	1291	0	01	40	
	1294	0	02	20	
	1293	0	08	40	
	1304	0	03	30	
	1303	0	08	90	
	1329	0	04	50	
	1330	0	10	10	
	1837	0	00	90	
माताजी का मण्डपीया	136	0	10	80	
	134	0	24	80	
	146	0	06	30	
	147	0	00	20	
	249	0	27	90	

तहसील : राशमी		जिला : चित्तौड़गढ़		राज्य : राजस्थान	
गांव का नाम	खसरा सख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	250	0	01	40	
	251	0	07	60	
	258	0	00	20	
	243	0	01	10	
	242	0	11	30	
	260	0	08	30	
	259	0	00	20	
	261	0	23	30	
	262	0	10	80	
	265	0	02	50	
	267	0	00	90	
	266	0	10	30	
	415	0	02	20	
	417	0	14	80	
	420	0	01	00	
	419	0	09	40	
	418	0	17	50	

[फा. सं. आर-25011/31/2004-ओ.आर-1]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 25th April. 2005

S. O. 1603.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. number 157 dated 11.01.2005 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land in **Tehsil : Rashmi, District : Chittaurgarh** in the State of Rajasthan, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum products in the State of Rajasthan from Beawar to Chittaurgarh in respect of "Branch Pipeline to Chittaurgarh from Sidhpur – Sanganer Pipeline" by the Indian Oil Corporation Limited

And whereas, copy of the said notification was made available to the general public on **02.02.2005**

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this Notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vests from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : RASHMI		District : CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
NEVERIYA	327	0	02	00	
	328	0	09	80	
	330	0	00	20	
	329	0	15	70	
	336	0	03	00	
	333	0	02	40	
	335	0	06	70	
	338	0	22	70	
	371	0	08	10	
	370	0	07	10	
	478Min	0	14	30	
	479	0	11	20	
	490	0	16	10	
	492	0	03	70	
	489	0	03	40	
	777	0	17	70	
	764	0	00	90	
	785	0	11	00	
	786	0	00	60	
	761	0	02	00	
	762	0	05	80	
	765	0	00	20	

Tehsil : RASHMI		District : CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
	757	0	06	30	
	758	0	02	20	
	756	0	03	20	
	753	0	00	80	
	754	0	05	50	
	821	0	09	80	
	823	0	20	20	
	831	0	10	70	
	830	0	11	70	
	834	0	00	20	
	1163	0	15	50	
	1162	0	02	20	
	1088	0	11	20	
	1103	0	10	10	
	1129	0	01	20	
	1123	0	00	40	
	1128	0	13	40	
	1127	0	01	00	
	1124	0	13	60	
	1116	0	00	40	
	1117	0	00	20	
	1125	0	01	30	
	1290	0	05	20	
	1296	0	00	20	
	1295	0	01	90	
	1291	0	01	40	
	1294	0	02	20	
	1293	0	08	40	
	1304	0	03	30	
	1303	0	08	90	
	1329	0	04	50	
	1330	0	10	10	
	1837	0	00	90	

Tehsil : RASHMI		District : CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
MATA JEE KA MANDPIYA	136	0	10	80	
	134	0	24	80	
	146	0	06	30	
	147	0	00	20	
	249	0	27	90	
	250	0	01	40	
	251	0	07	60	
	258	0	00	20	
	243	0	01	10	
	242	0	11	30	
	260	0	08	30	
	259	0	00	20	
	261	0	23	30	
	262	0	10	80	
	265	0	02	50	
	267	0	00	90	
	266	0	10	30	
	415	0	02	20	
	417	0	14	80	
	420	0	01	00	
	419	0	09	40	
	418	0	17	50	

[No. R-25011/31/2004-O.R.-I]
S. K. CHITKARA, Under Secy.

नई दिल्ली, 26 अप्रैल, 2005

का. आ. 1604.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि महाराष्ट्र राज्य में लोनी (पुणे) से पकनी (सोलापुर) तक हज़ारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इस से उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री. एस. एन. कुन्देतकर, सक्षम प्राधिकारी, मुम्बई-पुणे पाइपलाइन विस्तार परियोजना, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, मेगा सेंटर, मागरपट्टा, एम व एन विंग, हाहापसर-411 028 (पुणे जिला), महाराष्ट्र राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालूका : पंढरपुर			जिला : सोलापुर		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	आंबे चिंचोली		120		00	07	77
			89		00	02	40
			104		00	30	10
			97		00	03	20
			94		00	04	59
			105		00	00	90
			119		00	00	48
कुल					00	48	06
2	पुलूजवाडी		304		00	16	65
			318		00	11	80
			319		00	06	25
			320		00	06	25
			321		00	04	95
कुल					00	45	90

New Delhi, the 26th April, 2005

S. O. 1604.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Loni (Pune) to Pakni (Solapur) via Hazarwadi in the State of Maharashtra, an extension pipeline should be laid by Hindustan Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri S.N. Kundetkar, Competent Authority, Mumbai-Pune Pipeline Extension Project, Hindustan Petroleum Corporation Limited, Mega Center, Magarpatta – M&N Wing, Hadapsar – 411 028, Pune District, Maharashtra.

SCHEDULE

Taluka : PANDHARPUR		District : SOLAPUR		State : MAHARASHTRA			
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
1	AMBE CHINCHOLI		120		00	07	77
			89		00	02	40
			104		00	30	10
			97		00	03	20
			94		00	04	59
			105		00	00	90
			119		00	00	48
Total					00	48	06

1	2	3	4	5
2 PULUJVADI	304	00	16	65
	318	00	11	80
	319	00	06	25
	320	00	06	25
	321	00	04	95
Total		00	45	90

[No. R-31015/21/2004-O.R.-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 27 अप्रैल, 2005

का. आ. 1605.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 3038 23 नवम्बर 2004, जामनगर - भोपाल और काकीनाडा - हैदराबाद - गोवा पाईप लाईन को आपस में जोड़ने के लिए गैस ट्रान्सपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड द्वारा एक पाईप लाईन बिछाने के प्रयोजन के लिए उक्त अधिसूचना के संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी;

और, उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 19 जनवरी, 2005 को उपलब्ध करा दी गई थी;

और पाईपलाइन बिछाने के संबंध में जनता की ओर से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और अननुज्ञाव कर दिया गया;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि में पाईपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाईप लाईन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में पाईप लाईन बिछाने के संबंध में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त, गैस ट्रान्सपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड में निहित होगा।

अनूसूची

मंडल/तेहसिल/तालुक : नडियाद		जिला : खेडा		राज्य : गुजरात		
गाँव का नाम	सर्वे नंबर/ब्लॉक नंबर	आर.ओ.यु.अर्जित करने के लिए क्षेत्रफल				
		हेक्टर	आर	सि-आर		
1	2	3	4	5		
1) नवागाम	231	00	03	54		
	232	00	06	22		
	233	00	11	08		
	234	00	32	72		
	338	00	12	75		
	235	00	24	92		
	236 / पी	00	02	48		
	236 / पी	00	33	96		
	329 / पी	00	00	11		
	329 / पी	00	11	03		
	328	00	05	23		
	326 / पी	00	05	75		
	327	00	13	38		
	366	00	09	66		
	323 / पी	00	23	75		
	365 / पी	00	03	33		
	367	00	00	52		
	412 / पी	00	38	53		
	407	00	14	91		

मंडल/तेहसिल/तालुक : मातर		जिला : खेडा	राज्य : गुजरात		
1) सिहोलडी	425	00	24	33	
	424	00	10	87	
	430	00	02	40	
	423	00	06	62	
	422	00	13	02	
	432	00	13	31	
	433	00	23	10	
	435	00	22	45	
	401	00	38	01	
	399	00	08	21	
	397	00	00	60	
	396	00	38	03	
	393	00	16	41	
	443	00	08	51	
	392	00	10	17	
	445 / पी	00	14	42	

1	2	3	4	5
1) सिडोलडी (निरंतर...)	367 / के	00	07	52
	363	00	41	90
	362 / के	00	01	37
	361	00	10	80
	360	00	19	35
	358 / के	00	01	89
	358 / के	00	08	58
	457 / ब	00	18	05
	455	00	00	02
	457 / ज	00	32	25
	456	00	01	03
	459	00	20	25
	461 / ज/के	00	11	89
	461 / ज/के	00	09	35
	465	00	12	02
	461 / ब	00	21	82
	463	00	19	18
	487	00	12	27
	488	00	11	16
	494	00	39	59
	495	00	01	94
	501 / ज	00	14	03
	501 / ब	00	04	30
	500	00	04	52
	502	00	16	60
	504	00	04	50
	503	00	10	15
	506 / के	00	02	84
	506 / के	00	03	79
	516	00	12	02
	508	00	17	09
	509	00	25	97
	515	00	01	46
	514	00	00	25
2) मलियाताज	503	00	00	21
	504	00	32	80
	502	00	01	02
	507	00	18	74
	506 / 1	00	34	14
	508	00	05	65
	534 / 1	00	04	93
	534 / 2	00	16	88
3) अलीन्द्रा	246 / 2	00	10	11
	243 / 2	00	07	25

1	2	3	4	5
3) अलीन्द्रा (निरंतर...)	243 / 1	00	10	03
	244	00	08	60
	241	00	24	95
	240	00	02	44
	228	00	01	46
	229	00	22	53
	230	00	12	60
	224	00	00	16
	223	00	17	25
	213	00	05	55
	214	00	22	04
	180	00	34	00
	216	00	08	44
	179	00	19	12
	178	00	29	10
	177	00	03	74
	176	00	30	40
	174	00	06	86
	415	00	01	06
	417	00	10	06
	418	00	33	90
	419	00	00	85
	425	00	28	35
	428	00	16	51
	441	00	07	85
	446	00	14	30
	711	00	26	50
	712	00	01	45
	876	00	06	15
	875	00	47	70
	884	00	13	41
	882	00	01	65
	885	00	20	71
	870	00	01	16
	836	00	29	03
	857	00	13	69
	855	00	04	15
	854	00	17	02
	837	00	07	92
	839	00	04	96
	838	00	17	48
	827	00	02	03
	826	00	19	43
	816	00	17	92

1	2	3	4	5
3) अलीन्द्रा (निरंतर...)	817	00	00	32
	812	00	18	90
	810	00	00	40
	807	00	09	58
	814	00	00	08
	813	00	03	70
	806	00	01	95
	801	00	01	08
	800	00	12	63
	799	00	00	09
	986	00	27	89
	987	00	23	32
	988	00	05	80
4) उठेला	317	00	04	34
	318	00	37	13
	319	00	00	23
	314	00	17	22
	323	00	10	67
	322	00	06	30
	324	00	25	97
	392	00	02	20
	393	00	29	49
	395	00	08	48
	394	00	12	87
	498	00	10	78
	499	00	03	52
	497 / पी	00	10	28
	496	00	01	15
	487	00	04	52
	486	00	01	30
	488	00	11	87
	490	00	13	42
	489	00	01	30
	530	00	01	63
	531 / पी	00	11	58
	532	00	01	05
	533	00	18	06
	534	00	01	29
	528 / पी	00	17	26
	535	00	02	74
	536	00	06	99
	602	00	00	35
	600	00	16	67
	601	00	01	30

1	2	3	4	5
4) उंटेल्ला (निरंतर...)	612	00	25	19
	614	00	07	79
	613	00	10	47
	611	00	00	55
	637	00	03	93
	636	00	01	46
	698	00	15	11
	635	00	09	43
	699	00	03	51
	700	00	05	82
	701	00	03	92
	708	00	25	00
	709	00	00	01
	707	00	02	71
	706	00	07	31
	704	00	01	29
	705	00	01	97
	716	00	18	16
	717	00	00	01
	733	00	16	29
	732	00	11	19
	731	00	04	50
	730	00	04	71
	729	00	11	14
	728	00	02	98
	497 / पी	00	10	49
	531 / पी	00	15	51
5) उंटई	293	00	01	13
	296/अ	00	08	19
	297	00	08	51
	255 / 1	00	07	58
	255 / 2	00	07	69
	256	00	03	87
	253 / 1	00	25	18
	221 / 1 / 1अ	00	14	54
	252	00	17	90
	251	00	02	99
	223	00	05	10
	224 / पी	00	19	46
	224 / पी	00	10	98
	226	00	10	92
	296/व	00	33	80
6) मातर	1025 / 1	00	14	16
	1025 / 3	00	09	09

1	2	3	4	5
6) क्रमांक (निरंतर...)	1026 / 2	00	03	84
	1027	00	15	36
	1028	00	07	20
	1029 / 1	00	12	05
	1029 / 2	00	06	90
	1021 / 7	00	00	05
	1035 / 1 / सी	00	20	13
	1030 / 2	00	00	61
	1036 / 2	00	00	26
	1036 / 3	00	03	92
	1036 / 5	00	08	02
	1036 / 4	00	13	02
	1089	00	16	14
	1087 / 1	00	10	52
	1087 / 2	00	12	85
	1086	00	00	24
	1085 / अ	00	03	32
	1085 / ब	00	02	88
	1038 / अ	00	03	36
	1039	00	00	22
	1072	00	15	94
	1071 / 1	00	12	87
	1073	00	05	05
	1074 / सी	00	11	56
	1074 / सी	00	14	03
	1075 / 2	00	13	98
	1081	00	05	50
	1079	00	17	90
	1076	00	00	72
	1077 / 1	00	21	68
	1077 / 2	00	07	36
	1077 / 3	00	06	93
	1082	00	00	33
	1117	00	11	71
	1118	00	20	34
	1119	00	62	28
	1121 / सी	00	00	69
	1121 / सी	00	00	80
	1321	00	00	09
	1322	00	17	88
	1323	00	16	28
	1326	00	24	67
	1328	00	05	53
	1327	00	28	67

1	2	3	4	5
6) मातर (निरंतर...)	1416 / पी	00	03	21
	1413 / 1	00	18	68
	1413 / 2	00	11	11
	1413 / 3	00	28	96
	1433 / अ / 1	00	15	16
	1433 / अ / 2	00	23	27
	1433 / अ / 3	00	01	18
	1433 / अ / 6	00	00	21
	1436	00	15	04
	1435	00	31	92
	1447	00	24	28
	1449	00	17	88
	1389 / 2	00	12	05
	1389 / 5	00	05	50
	1389 / 6	00	01	90
	1386 / 1	00	05	88
	1386 / 2	00	15	20
	1385	00	13	95
	1382 / पी	00	19	21
	1382 / पी	00	10	00
	1383 / 2	00	00	20
	1377	00	26	88
	1376	00	04	16
	1455	00	01	71
	1454 / 1	00	09	93
	1454 / 2	00	11	25
	1467 / 1	00	15	41
	1467 / 3	00	14	28
	1467 / 4	00	06	95
	1468 / 2	00	11	71
	1473 / 1	00	02	40
	1472	00	09	37
	1471 / पी	00	03	91
	1471 / पी	00	05	04
	1470	00	07	30
	1478	00	16	20
	1477	00	30	83
	1489	00	49	77
	1488 / 1	00	38	45
	1121/पी	00	00	04
7) सोखडा	189	00	32	83
	193	00	47	15
	197	00	35	25
	198	00	15	96

1	2	3	4	5
7) सोखडा (निरंतर...)	225	00	05	45
	226 / पी	00	36	37
	226 / पी	00	06	74
	227	00	08	75
	228	00	08	34
	229	00	00	52
	623	00	04	25
	622	00	31	70
	621	00	18	24
	620	00	20	12
	629	00	16	46
	641	00	25	95
	640 / पी	00	12	78
	640 / पी	00	11	53
	640 / पी	00	09	12
	640 / पी	00	09	73
	640 / पी	00	06	67
	638	00	04	51
	637	00	15	46
	636 / पी	00	05	40
	636 / पी	00	18	00
	636 / पी	00	05	40
	636 / पी	00	06	88

मंडल/तेहसिल/तालुक : खेडा

जिला : खेडा

राज्य : गुजरात

1) हरियाला	192	00	41	03
	206 / पी	00	32	32
	205	00	19	39
	207 / पी	00	19	14
	210 / 1	00	00	20
	210 / 2	00	33	96
	349 / पी	00	43	54
	351	00	00	30
	350	00	09	13
	427	00	16	01
	428	00	09	64
	429	00	02	47
	450	00	21	50
	449	00	10	22
	430	00	23	15
	448	00	01	09
	447 / पी	00	15	46
	447 / पी	00	00	01
	444 / पी	00	24	09
	444 / पी	00	24	09

1	2	3	4	5
1) हरियाणा (निरंतर...)	445	00	06	33
	475 / पी	00	27	96
	475 / पी	00	27	95
	474 / पी	00	15	89
	479 / पी	00	21	97
	479 / पी	00	15	34
	482	00	15	60
	518	00	25	75
	483	00	11	10
	505	00	62	90
	504	00	00	08
	507	00	52	61
	658 / पी	00	07	76
	657	00	93	84
	656	00	00	02
	653 / पी	00	47	97
	653 / पी	00	01	57
	653 / पी	00	21	25
	652	00	76	37
	612 / 2 / पी	00	07	15
	651 / पी	00	16	43
	625 / 2	00	63	26
	625 / 1	00	01	65
	626	00	11	12
	627 / 1 / पी	00	32	86
	628	00	26	53
	630 / पी	00	02	21
	631	00	26	50
	632	00	50	14
	633	00	25	30
	634	00	36	96
	635	00	24	64
	206 / पी	00	04	63
	207 / पी	00	21	04
2) काजीपुरा	115	00	20	69
	116	00	88	49
	114	00	21	69
	120	00	34	67
	121 / व	00	13	79
	127 / 2	00	09	45
	127 / 3	00	16	45
	112 / अ	00	18	56
	129	00	33	78

1	2	3	4	5
2) काजीपुरा (निरंतर...)	130 / 1	00	17	90
	130 / 2	00	18	40
	131 / 1 / अ	00	15	86
	132 / 1	00	15	44
	132 / 2	00	03	88
	149 / 1	00	08	23
	134 / 1 / अ	00	02	80
	136 / अ	00	33	76
	136 / ब	00	31	01
	136 / इ	00	11	78
	136 / क	00	05	81
3) गोमलज	856	00	00	07
	857	00	36	05
	858 / अ	00	07	45
	858 / ब	00	15	95
	707 / 2	00	00	05
	867	00	40	50
	866	00	11	16
	873	00	18	39
	869	00	00	64
	871	00	36	87
	979	00	26	35
	995	00	22	64
	994	00	04	83
	997	00	14	19
	1002	00	00	69
	1001	00	47	38
	1003	00	12	67
	1006	00	03	07
	1008	00	09	64
	1009	00	10	62
	1016	00	13	14
	1011	00	08	18
	1014	00	08	89
	1012	00	08	98
	1013	00	03	98
	1114	00	20	08
	1117 / अ	00	16	34
	1117 / ब	00	00	10
	1120	00	02	18
	1119	00	07	54
	1118	00	28	36
	1127	00	42	20

1	2	3	4	5
4) मन्तारपुर	6 / 4	00	17	07
	26	00	06	20
	27	00	85	54
	6 / 1	00	83	02
5) कर्नेरा	54 / अ / 1	00	28	16
	54 / अ / 2	00	29	00
	57	00	17	50
	105	00	12	32
	109	00	15	61
	110	00	01	07
	124	00	03	46
	111	00	12	34
	123	00	06	24
	112	00	10	47
	122	00	07	90
	99	00	00	28
	114	00	03	25
	113	00	29	92
	118	00	11	60
	117	00	28	59
	135	00	06	20
	414	00	02	87
	412	00	05	04
	413	00	15	51
	448	00	01	52
	444	00	09	72
	443	00	00	01
	445	00	03	11
	465	00	02	52
	447	00	00	07
	464	00	06	87
	463	00	06	20
	448	00	00	01
	466	00	00	18
	451	00	02	75
	468	00	01	26
	462	00	02	59
	461	00	02	63
	460	00	09	11
	453	00	09	92
	454	00	07	59
	404	00	00	95
	455	00	04	03
	456	00	01	71

1	2	3	4	5
5) कर्ना (निरंतर...)	457	00	35	70
	399	00	03	03
	398	00	32	47
	385	00	00	44
	397	00	04	84
	391	00	15	51
	386	00	14	69
	390	00	00	47
	387	00	16	77

[फा. सं. एल-14014/35/2004-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 27th April, 2005

S. O. 1605.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3038 dated, 23rd November, 2004, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation natural gas through an interconnection between Jamnagar - Bhopal and Kakinada - Hyderabad - Goa Pipeline by Gas Transportation and Infrastructure Company Limited;

And, whereas copies of the said Gazette notification were made available to the public 19th January, 2005;

The objection received from the public to the laying of the Pipeline have been considered and dissolved by the Competent Authority;

And whereas the Competent Authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on the date of publication of the declaration, in Gas Transportation and Infrastructure Company Limited free from all encumbrances.

Schedule

Mandal/Thesil/Taluk : NADIAD		District : KHEDA		State : GUJARAT	
Name of Village	Survey No./ Block No.	Area to be acquired for ROU			
		Hectare	Are	C-Are	
1	2	3	4	5	
1) NAVAGAM	231	00	03	54	
	232	00	06	22	
	233	00	11	08	
	234	00	32	72	
	338	00	12	75	
	235	00	24	92	
	236/P	00	02	48	
	236/P	00	33	96	
	329/P	00	00	11	
	329/P	00	11	03	
	328	00	05	23	
	326/P	00	05	75	
	327	00	13	38	
	366	00	09	66	
	323/P	00	23	75	
	365/P	00	03	33	
	367	00	00	52	
	412/P	00	38	53	
	407	00	14	91	
<hr/>					
Mandal/Thesil/Taluk : MATAR		District : KHEDA		State : GUJARAT	
1) SIHOLDI	425	00	24	33	
	424	00	10	87	
	430	00	02	40	
	423	00	06	62	
	422	00	13	02	
	432	00	13	31	
	433	00	23	10	
	435	00	22	45	
	401	00	38	01	
	399	00	08	21	
	397	00	00	60	
	396	00	38	03	
	393	00	16	41	
	443	00	08	51	
	392	00	10	17	

1	2	3	4	5
1) SIHOLDI (Contd....)	445/P	00	14	42
	367/P	00	07	52
	363	00	41	90
	362/P	00	01	37
	361	00	10	80
	360	00	19	35
	358/P	00	01	89
	358/P	00	08	58
	457/B	00	18	05
	455	00	00	02
	457/A	00	32	25
	456	00	01	03
	459	00	20	25
	461/A/P	00	11	89
	461/A/P	00	09	35
	465	00	12	02
	461/B	00	21	82
	463	00	19	18
	487	00	12	27
	488	00	11	16
	494	00	39	59
	495	00	01	94
	501/A	00	14	03
	501/B	00	04	30
	500	00	04	52
	502	00	16	60
	504	00	04	50
	503	00	10	15
	506/P	00	02	84
	506/P	00	03	79
	516	00	12	02
	508	00	17	09
	509	00	25	97
	515	00	01	46
	514	00	00	25
2) MALIYATAJ	503	00	00	21
	504	00	32	80
	502	00	01	02
	507	00	18	74
	506/1	00	34	14
	508	00	05	65
	534/1	00	04	93

1	2	3	4	5
2) MALIYATAJ (Contd....)	534/2	00	16	88
3) ALINDRA	246/2	00	10	11
	243/2	00	07	25
	243/1	00	10	03
	244	00	08	60
	241	00	24	95
	240	00	02	44
	228	00	01	46
	229	00	22	53
	230	00	12	60
	224	00	00	16
	223	00	17	25
	213	00	05	55
	214	00	22	04
	180	00	34	00
	216	00	08	44
	179	00	19	12
	178	00	29	10
	177	00	03	74
	176	00	30	40
	174	00	06	86
	415	00	01	06
	417	00	10	06
	418	00	33	90
	419	00	00	85
	425	00	28	35
	426	00	16	51
	447	00	07	85
	446	00	14	30
	711	00	26	50
	712	00	01	45
	876	00	06	15
	875	00	47	70
	884	00	13	41
	882	00	01	65
	885	00	20	71
	870	00	01	16
	836	00	29	03
	857	00	13	69
	855	00	04	15
	854	00	17	02
	837	00	07	92

1	2	3	4	5
3) ALINDRA (Contd....)	839	00	04	96
	838	00	17	46
	827	00	02	03
	826	00	19	43
	816	00	17	92
	817	00	00	32
	812	00	18	90
	810	00	00	40
	807	00	09	58
	814	00	00	08
	813	00	03	70
	806	00	01	95
	801	00	01	08
	800	00	12	63
	799	00	00	09
	986	00	27	89
	987	00	23	32
	988	00	05	80
4) UNDHELA	317	00	04	34
	318	00	37	13
	319	00	00	23
	314	00	17	22
	323	00	10	67
	322	00	06	30
	324	00	25	97
	392	00	02	20
	393	00	29	49
	395	00	08	48
	394	00	12	87
	498	00	10	78
	499	00	03	52
	497/P	00	10	28
	496	00	01	15
	487	00	04	52
	486	00	01	30
	488	00	11	87
	490	00	13	42
	489	00	01	30
	530	00	01	63
	531/P	00	11	58
	532	00	01	05
	533	00	18	06

1	2	3	4	5
4) UNDHELA (Contd....)	534	00	01	29
	528/P	00	17	26
	535	00	02	74
	536	00	06	99
	602	00	00	35
	600	00	16	67
	601	00	01	30
	612	00	25	19
	614	00	07	79
	613	00	10	47
	611	00	00	55
	637	00	03	93
	636	00	01	46
	698	00	15	11
	635	00	09	43
	699	00	03	51
	700	00	05	82
	701	00	03	92
	708	00	25	00
	709	00	00	01
	707	00	02	71
	706	00	07	31
	704	00	01	29
	705	00	01	97
	716	00	18	16
	717	00	00	01
	733	00	16	29
	732	00	11	19
	731	00	04	50
	730	00	04	71
	729	00	11	14
	728	00	02	98
	497/P	00	10	49
	531/P	00	15	51
5) UNTAI	293	00	01	13
	296/A	00	08	19
	297	00	08	51
	255/1	00	07	58
	255/2	00	07	69
	256	00	03	87
	253/1	00	25	18
	221/1/1A	00	14	54

1	2	3	4	5
5) UNTAI (Contd....)	252	00	17	90
	251	00	02	99
	223	00	05	10
	224/P	00	19	46
	224/P	00	10	98
	226	00	10	92
	296/B	00	33	80
6) MATAR	1025/1	00	14	16
	1025/3	00	09	09
	1026/2	00	03	84
	1027	00	15	36
	1028	00	07	20
	1029/1	00	12	05
	1029/2	00	06	90
	1021/7	00	00	05
	1035/1/P	00	20	13
	1030/2	00	00	61
	1036/2	00	00	26
	1036/3	00	03	92
	1036/5	00	08	02
	1036/4	00	13	02
	1089	00	16	14
	1087/1	00	10	52
	1087/2	00	12	85
	1086	00	00	24
	1085/A	00	03	32
	1085/B	00	02	88
	1038/A	00	03	36
	1039	00	00	22
	1072	00	15	94
	1071/1	00	12	87
	1073	00	05	05
	1074/P	00	11	56
	1074/P	00	14	03
	1075/2	00	13	98
	1081	00	05	50
	1079	00	17	90
	1076	00	00	72
	1077/1	00	21	68
	1077/2	00	07	36
	1077/3	00	06	93
	1062	00	00	33

1	2	3	4	5
6) MATAR (Contd....)	1117	00	11	71
	1118	00	20	34
	1119	00	62	28
	1121/P	00	00	69
	1121/P	00	00	80
	1321	00	00	09
	1322	00	17	88
	1323	00	16	28
	1326	00	24	67
	1328	00	05	53
	1327	00	26	67
	1416 /P	00	03	21
	1413/1	00	18	68
	1413/2	00	11	11
	1413/3	00	28	96
	1433/A/1	00	15	16
	1433/A/2	00	23	27
	1433/A/3	00	01	18
	1433/A/6	00	00	21
	1436	00	15	04
	1435	00	31	92
	1447	00	24	28
	1449	00	17	88
	1389/2	00	12	05
	1389/5	00	05	50
	1389/6	00	01	90
	1386/1	00	05	88
	1386/2	00	15	20
	1385	00	13	95
	1382/P	00	19	21
	1382/P	00	10	00
	1383/2	00	00	20
	1377	00	26	88
	1376	00	04	16
	1455	00	01	71
	1454/1	00	09	93
	1454/2	00	11	25
	1467/1	00	15	41
	1467/3	00	14	28
	1467/4	00	06	95
	1468/2	00	11	71
	1473/1	00	02	40
	1472	00	09	37

1	2	3	4	5
6) MATAR (Contd....)	1471/P	00	03	91
	1471/P	00	05	04
	1470	00	07	30
	1478	00	16	20
	1477	00	30	83
	1489	00	49	77
	1488/1	00	38	45
	1121/P	00	00	04
7) SOKHADA	189	00	32	83
	193	00	47	15
	197	00	35	25
	198	00	15	96
	225	00	05	45
	226/P	00	36	37
	226/P	00	06	74
	227	00	08	75
	228	00	08	34
	229	00	00	52
	623	00	04	25
	622	00	31	70
	621	00	18	24
	620	00	20	12
	629	00	16	46
	641	00	25	95
	640/P	00	12	78
	640/P	00	11	53
	640/P	00	09	12
	640/P	00	09	73
	640/P	00	06	67
	638	00	04	51
	637	00	15	48
	636/P	00	05	40
	636/P	00	18	00
	636/P	00	05	40
	636/P	00	06	88
Mandal/Thesil/Taluk : KHEDA		District : KHEDA		State : GUJARAT
1) HARIYALA	192	00	41	03
	206/P	00	32	32
	205	00	19	39
	207/P	00	19	14
	210/1	00	00	20
	210/2	00	33	96

1	2	3	4	5
1) HARIYALA (Contd....)	349/P	00	43	54
	351	00	00	30
	350	00	09	13
	427	00	16	01
	428	00	09	64
	429	00	02	47
	450	00	21	50
	449	00	10	22
	430	00	23	15
	448	00	01	09
	447/P	00	15	46
	447/P	00	00	01
	444/P	00	24	09
	444/P	00	24	09
	445	00	06	33
	475/P	00	27	96
	475/P	00	27	95
	474/P	00	15	89
	479/P	00	21	97
	479/P	00	15	34
	482	00	15	60
	518	00	25	75
	483	00	11	10
	505	00	62	90
	504	00	00	08
	507	00	52	61
	658/P	00	07	76
	657	00	93	84
	656	00	00	02
	653/P	00	47	97
	653/P	00	01	57
	653/P	00	21	25
	652	00	76	37
	612/2/P	00	07	15
	651/P	00	16	43
	625/2	00	63	26
	625/1	00	01	65
	626	00	11	12
	627/1/P	00	32	86
	628	00	26	53
	630/P	00	02	21
	631	00	26	50

1	2	3	4	5
1) HARIYALA (Contd....)	632	00	50	14
	633	00	25	30
	634	00	36	96
	635	00	24	64
	206/P	00	04	63
	207/P	00	21	04
2) KAJIPURA	115	00	20	69
	116	00	88	49
	114	00	21	69
	120	00	34	67
	121/B	00	13	79
	127/2	00	09	45
	127/3	00	16	45
	112/A	00	18	56
	129	00	33	78
	130/1	00	17	90
	130/2	00	18	40
	131/1/A	00	15	86
	132/1	00	15	44
	132/2	00	03	68
	149/1	00	06	23
	134/1/A	00	02	80
	136/A	00	33	76
	136/B	00	31	01
	136/D	00	11	78
	136/C	00	05	81
3) GOBHIAJ	856	00	00	07
	857	00	36	05
	858/P	00	07	45
	858/P	00	15	95
	707/2	00	00	05
	867	00	40	50
	866	00	11	16
	873	00	18	39
	869	00	00	64
	871	00	36	87
	979	00	28	35
	995	00	22	64
	994	00	04	83
	997	00	14	19
	1002	00	00	69
	1001	00	47	38
	1003	00	12	67
	1006	00	03	07
	1008	00	09	64
	1009	00	10	62
	1016	00	13	14

1	2	3	4	5
3) GOBHIAJ (Contd....)	1011	00	00	18
	1014	00	00	89
	1012	00	05	98
	1013	00	03	99
	1114	00	20	00
	1117/P	00	16	34
	1117/P	00	00	10
	1120	00	02	18
	1119	00	07	54
	1118	00	28	36
	1127	00	42	20
4) MALARPURA	6/4	00	17	07
	26	00	06	20
	27	00	85	54
	6/1	00	83	02
5) KANERA	54/A/1	00	28	16
	54/A/2	00	29	00
	57	00	17	50
	105	00	12	32
	109	00	15	61
	110	00	01	07
	124	00	03	46
	111	00	12	34
	123	00	06	24
	112	00	10	47
	122	00	07	90
	99	00	00	28
	114	00	03	25
	113	00	29	92
	118	00	11	60
	117	00	28	59
	135	00	06	20
	414	00	02	87
	412	00	05	04
	413	00	15	51
	446	00	01	52
	444	00	09	72
	443	00	00	01
	445	00	03	11
	465	00	02	52
	447	00	00	07
	464	00	06	87
	463	00	06	20
	448	00	00	01
	466	00	00	18
	451	00	02	75
	468	00	01	26

1	2	3	4	5
5) KANERA (Contd....)	462	00	02	59
	461	00	02	63
	460	00	09	11
	453	00	09	92
	454	00	07	59
	404	00	00	95
	455	00	04	03
	456	00	01	71
	457	00	35	70
	399	00	03	03
	398	00	32	47
	385	00	00	44
	397	00	04	84
	391	00	15	51
	386	00	14	69
	390	00	00	47
	387	00	16	77

[F. No. L-14014/35/2004-G.P.]
S. B. MANDAL, Under Secy.

नई दिल्ली, 27 अप्रैल, 2005

का. आ. 1606.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962का50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधिन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 3209 तारीख 15 दिसम्बर, 2004 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मेसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी लिमिटेड की संप्रवर्तक कंपनी मेसर्स रिलाएंस इन्डस्ट्रीज लिमिटेड के गोवा में उत्तरी/दक्षिणी अपतट में खोज ब्लॉकों और आंध्रप्रदेश राज्य की संरचनाओं से महाराष्ट्र राज्य में पुणे जिले के विभिन्न उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी; और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 17 जनवरी, 2005 को उपलब्ध करा दी गई थी; और पाइपलाइन बिछाने के संबंध में जनता की ओर से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और अननुज्ञात कर दिया गया;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में पाइपलाइन बिछाने के संबंध में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए सभी विल्लंगमों से मुक्त, गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी लिमिटेड में निहित होगा।

अनुसूची

मंडल/ तेहसिल/तालुक: खेड		जिला : पुणे		राज्य: महाराष्ट्र	
गाँव का नाम	सर्वे नंबर/ गट नंबर	आर. ओ. यु. अर्जित करने के लिए क्षेत्रफल			
		हेक्टर	एर	सि एर	
1	2	3	4	5	
1) सावळेवाडी	225	00	03	98	
	219	00	46	71	
	224	00	30	20	
	1514 (पुराना नंबर)	00	01	55	
	सर्वे नंबर 1514 (पुराना नंबर) और 220 के बीच का गाडी रास्ता (सि. एल.)	00	01	57	
	220	00	38	67	
	1511 (पुराना नंबर) 209	00	18	89	
	214	00	09	10	
	212	00	10	63	
	211	00	07	88	
	213	00	00	08	
	215	00	36	85	
	सर्वे नंबर 215 और 13 के बीच का नाला (सि. एल.)	00	05	67	
	13	00	00	85	
	17/अ	00	49	64	
	17/ब (जी. एल.)	00	24	71	
	16	00	05	15	
	28 (जी. एल.)	00	40	69	
	27	00	01	54	
	36	00	21	32	
	33	00	11	33	
	34	00	13	09	
2) बहुळ	415 (जी. एल.)	01	04	00	
	सर्वे नंबर 415 और कॅनाल के बीच का नाला (सि. एल.)	00	01	54	
	सर्वे नंबर 415 और 281 के बीच का बीच का कॅनाल (सि. एल.)	00	03	12	
	281	00	26	64	
	282/2 (जी. एल.)	00	11	18	
	सर्वे नंबर 282/2 और 276 के बीच का नाला (सि. एल.)	00	07	51	
	276	00	01	24	
	275/अ	00	17	18	
	सर्वे नंबर 275/अ और 275/ब के बीच का गाडी रास्ता (सि. एल.)	00	02	08	
	275/ब	00	18	51	
	274	00	15	03	
	256	00	19	57	
	1272 (पुराना नंबर)	00	00	76	
	सर्वे नंबर 1272 (पुराना नंबर) और 284 के बीच का नाला (सि. एल.)	00	03	50	

1	2	3	4	5
बहुल (निरंतर)	284	00	08	99
	सर्वे नंबर 284 और 257 के बीच का नाला (सि. एल.)	00	05	39
	257	00	02	43
	255	00	04	50
	254	00	19	34
	253	00	30	01
	सर्वे नंबर 253 और 233 के बीच का नाला (सि. एल.)	00	05	99
	सर्वे नंबर 253 और 233 के बीच का गाड़ी रास्ता (सि. एल.)	00	01	44
	233	01	29	67
	1046 (पुराना नंबर)	00	06	29
	1048 (पुराना नंबर)	00	04	86
	सर्वे नंबर 1048 (पुराना नंबर) और 78 के बीच का नाला (सि. एल.)	00	12	16
	78	00	11	00
	76	00	49	00
	765 (पुराना नंबर)	00	20	63
	75	00	13	03
	1256	00	33	38
	सर्वे नंबर 1256 और 1257 के बीच का रास्ता (सि. एल.)	00	04	34
	1257	00	49	08
	सर्वे नंबर 1257 और 530 (पुराना नंबर) के बीच का नाला (सि. एल.)	00	07	68
	530 (पुराना नंबर)	00	06	40
	1029	00	23	65
	1031	00	32	00
	1030	00	14	67
	सर्वे नंबर 1030 और 1050/1 के बीच का रास्ता (सि. एल.)	00	03	07
	1050/1	00	17	85
	1050/2	00	17	83
	सर्वे नंबर 1050/2 और 1054 के बीच का नाला (सि. एल.)	00	02	90
	1054	00	29	09
	सर्वे नंबर 1054 और 1059 के बीच का नाला (सि. एल.)	00	06	45
	1059	00	21	00
	1058	00	00	87
	961	00	97	73
	सर्वे नंबर 961 और 960 के बीच का फिल्ड चैनल (सि. एल.)	00	00	45
	960	00	18	51
	959	00	18	49
3) पिंपळगाव तर्फ खेड	1847	00	50	35
	1864	00	26	31
	सर्वे नंबर 1864 और 1865 के बीच का कॅनाल (सि. एल.)	00	02	69
	1865/2	00	03	00
	1995	00	54	22

1	2	3	4	5
पिपलवा तर्फ खेड	1872	00	13	25
(निरंतर)	1858 (जी. एल.)	00	04	55
	1873	00	07	21
	1874 (जी. एल.)	00	05	90
	1875	00	18	39
	1876	00	13	13
	1877	00	04	89
	1878	00	06	44
	1879 (जी. एल.)	00	11	43
	1880	00	20	25
	1881	00	06	39
सर्वे नंबर 1881 और 1882 के बीच का फिल्ड चैनल (सि. एल.)		00	00	70
	1882	00	18	15
	1887	00	11	98
	1889	00	09	37
सर्वे नंबर 1889 में बीच का फिल्ड चैनल (सि. एल.)		00	00	24
	1890	00	04	91
	1891/1	00	13	07
सर्वे नंबर 1891 और 1892 के बीच का कॅनल (सि. एल.)		00	01	30
	1892	00	07	01
सर्वे नंबर 1892 और 1894 के बीच का रास्ता (सि. एल.)		00	04	78
	1894 (जी. एल.)	00	21	88
सर्वे नंबर 1894 में गाड़ी रास्ता (सि. एल.)		00	03	33
	1896	00	01	37
	1906	00	43	00
	1902	00	02	40
	1904	00	02	00
	1903	00	02	20
	1905	00	02	20
	1907	00	01	10
	1908	00	00	50
सर्वे नंबर 1906 और 1972 के बीच का नाला (सि. एल.)		00	04	30
	1972	00	20	40
	1973	00	10	23
	1974	00	02	56
	1975	00	08	51
	1976	00	00	46
	1978	00	16	85
	1979	00	04	96
	1981	00	05	00
	1982	00	08	07
सर्वे नंबर 1978 और 1982 के बीच का फिल्ड चैनल (सि. एल.)		00	00	23
सर्वे नंबर 1978 और 1982 के बीच का फिल्ड चैनल (सि. एल.)		00	00	11

1	2	3	4	5
पिपलक-तर्फ खेड (निरंतर)	1983	00	10	55
	1999	00	01	50
	1959	00	02	24
	1958	00	11	05
	1957	00	15	10
	1956	00	11	35
	1955	00	04	79
	1946	00	41	00
	1952/1	00	28	94
	सर्वे नंबर 1952/1 और रास्ता के बीच का कॅनल (सि. एल.)	00	05	36
	सर्वे नंबर 1952/1 और 1744/1 के बीच का रास्ता (सि. एल.)	00	08	68
	1744/1	00	36	25
	1744/3	00	00	70
	सर्वे नंबर 1744 और 1580 के बीच का फिल्ड चॅनल (सि. एल.)	00	02	54
	1743	00	00	73
	1580/1/1	00	43	11
	1580/ब	00	33	15
	1582	00	55	06
	1581	00	02	82
	सर्वे नंबर 1581 और 1583 के बीच का नाला (सि. एल.)	00	03	15
	1583	00	07	13
	1584	00	10	99
	1579/1	00	00	24
	1586	00	05	33
	1587	00	02	60
	1589	00	02	05
	1590/1	00	04	58
	1590/2	00	06	59
	1591	00	03	54
	1592	00	08	44
	1593	00	22	50
	1594 (जी. एल.)	00	07	17
	394/1	00	01	33
	394/2	00	16	44
	393/1ब	00	15	00
	393/1अ (जी. एल.)	00	00	48
	सर्वे नंबर 393/1अ और 393/2 के बीच का कॅनल (सि. एल.)	00	05	66
	393/2	00	07	48
	386	00	03	74
	388	00	03	53
	385/1ब	00	04	48
	385/2	00	05	57
	385/1अ (जी. एल.)	00	04	00

1	2	3	4	5
पिंपळगव तर्फ खेड	384	00	08	03
(निरंतर)	383	00	09	16
	382	00	10	38
	363/2	00	36	31
	363/4 (जी. एल.)	00	07	00
	363/3	00	01	37
	359	00	27	10
	360	00	17	17
	357	00	02	81
	361	00	38	80
	356	00	14	47
	354	00	01	49
सर्वे नंबर 354 और 170/2 के बीच का रास्ता (सि. एल.)		00	05	57
	170/2 (जी. एल.)	00	14	87
	171	00	20	92
	172/अ	00	12	96
	172/ब	00	23	08
	173	00	10	42
	174	00	12	56
	175	00	13	82
सर्वे नंबर 175 और 176 के बीच का नाला (सि. एल.)		00	07	12
	176	00	15	68
	164	00	01	00
	191	00	25	82
	192	00	16	33
	193	00	26	13
	195	00	02	20
	196	00	01	70
	197	00	11	35
	198	00	05	73
	210	00	12	53
	199	00	00	08
	211	00	05	81
	212	00	07	32
	231	00	09	16
	230	00	15	56
	232	00	04	87
	235	00	26	20
	236	00	26	06
	237	00	14	23
	249	00	14	50
	250	00	12	58
	258	00	02	74

1	2	3	4	5
विशाल तर्फ खेड (निरंतर)	257	00	09	82
	226	00	06	86
	255	00	04	64
	254	00	10	33
	253	00	07	59
	252	00	12	24
	251	00	02	00
गाव सीमा के पास की नदी (सि. एल.)		00	35	25
4) काकूस	582	00	17	51
	580	00	00	07
	581	00	22	88
	583	00	10	78
	577	00	09	97
	576	00	21	05
	575	00	07	43
	574	00	14	75
	573	00	08	10
	569	00	00	72
	524	00	24	09
सर्वे नंबर 524 और 568/अ के बीच का गाडी रास्ता (सि. एल.)		00	01	81
568/अ		00	96	96
567 (जी. एल.)		00	22	38
566 (जी. एल.)		00	08	43
565		00	06	97
564		00	07	11
563		00	07	53
562 (जी. एल.)		00	05	37
561		00	03	50
560		00	01	44
525		00	26	52
526		00	03	21
527		00	23	73
528		00	18	83
530		00	00	35
529		00	10	39
सर्वे नंबर 529 और 543 के बीच का कॅनाल (सि. एल.)		00	02	45
543		00	35	34
112		00	17	32
111		00	06	76
114		00	00	56
110		00	05	86
109		00	06	14
108		00	03	56

1	2	3	4	5
कन्नड़ (निरंतर)	105	00	29	67
	106	00	00	20
	104	00	02	20
	115	00	00	23
	103	00	02	06
	102	00	11	10
	101	00	12	43
	100	00	05	99
	99	00	21	65
	96	00	13	79
सर्वे नंबर 96 और 52 के बीच का सरकारी जमीन (सि. एल.)		00	17	96
	52	00	31	27
	51	00	10	35
	60	00	07	61
	49	00	01	76
	47	00	28	38
	45	00	15	77
	29	00	58	98
	21	00	13	70
	20	00	08	62
	18	00	05	03
	17	00	07	98
16 (जी. एल.)		00	00	63
	15	00	18	79
सर्वे नंबर 15 और 13 के बीच का कॅनाल (सि. एल.)		00	03	02
	13	00	00	04
	14	00	22	11
सर्वे नंबर 14 और 1898 के बीच का मुख्य जिला मार्ग 20 (सि. एल.)		00	06	38
	1898	00	01	10
1800 (जी. एल.)		00	27	43
सर्वे नंबर 1800 और 2408 के बीच का गाव रास्ता 115 (सि. एल.)		00	03	05
	2408	00	00	87
	2407	00	07	32
	140	00	01	31
	1880	00	17	52
	1944	00	07	62
सर्वे नंबर 1944 और 1981 के बीच का फिल्ड चॅनल (सि. एल.)		00	00	82
1981 (जी. एल.)		00	08	46
	2395/अ	00	05	48
	2395/ब	00	05	52
	2394	00	13	60

1	2	3	4	5
काकूत (निरंतर)	2393	00	18	02
	2392	00	09	50
	2391	00	08	03
	2390	00	05	85
	2387	00	06	36
	2386	00	04	84
	2384	00	03	61
	2383	00	03	93
	2380	00	11	93
	2354	00	11	67
सर्वे नंबर 2354 और 1017 के बीच का रास्ता (सि. एल.)		00	06	50
	1017	00	01	24
	1019	00	09	10
	1020	00	12	12
	1023	00	06	18
	1022	00	19	48
	1027	00	11	81
	1063 (जी. एल.)	00	20	31
	1062	00	15	20
	1061	00	12	32
	1038	00	21	75
सर्वे नंबर 1038 और 1036 के बीच का गाडी रास्ता (सि. एल.)		00	04	76
	1036	00	04	45
	1037 (जी. एल.)	00	06	84
	1039	00	15	34
	1041 (जी. एल.)	00	08	71
	1040	00	04	40
	1042	00	06	41
	1043	00	01	59
	1044	00	06	05
	1047	00	04	24
	1045 (जी. एल.)	00	28	84
	1130 (जी. एल.)	00	25	79
	1131 (जी. एल.)	00	07	94
	1132 (जी. एल.)	00	06	37
	1133 (जी. एल.)	00	06	18
सर्वे नंबर 1133 और 1134 के बीच का नाला (सि. एल.)		00	02	39
	1134	00	04	01
	1135	00	01	00
	1136	00	06	53
	1137 (जी. एल.)	00	10	89
	1138	00	04	72
	1139 (जी. एल.)	00	08	26

1	2	3	4	5
काळूस (निरंतर)	1140	00	15	76
	1598 (जी. एल.)	00	00	75
	सर्वे नंबर 1598 और 1142 के बीच का रास्ता (सि. एल.)	00	06	37
	1142	00	01	32
	1143	00	00	50
	1596	00	27	49
	1597	00	29	81
	1722 (जी. एल.)	00	11	76
	1721	00	02	20
	1720/1 (जी. एल.)	00	50	97
	सर्वे नंबर 1720 /1 और 1711 के बीच का सरकारी जमीन	00	11	85
	1711	00	08	94
	1712	00	05	17
	1713	00	02	84
	1714	00	04	58
	1748	00	04	88
	1747	00	11	53
	964	00	02	95
	1746	00	03	00
	1745	00	02	33
	1744	00	03	39
	1743	00	03	29
	1741	00	16	95
	1742	00	69	60
	सर्वे नंबर 1742 में कॅनल (सि. एल.)	00	04	69
	गाव सीमा के पास का इतर जिला मार्ग 32 (सि. एल.)	00	03	68
5) वाकी बुदुक	401	00	00	59
	400	00	21	73
	399	00	20	71
	सर्वे नंबर 399 और 398 के बीच का कॅनल (सि. एल.)	00	07	49
	398	00	17	53
	397	00	01	40
	402	00	08	66
	396	00	17	95
	393	00	09	92
	394	00	02	47
	391	00	15	30
	492	00	22	53
	389	00	00	50
	387	00	00	40
	390	00	03	32
	520	00	13	58
	519 (जी. एल.)	00	02	25

1	2	3	4	5
बाकी बुदके (निरंतर)	517	00	04	90
	518	00	02	42
	514	00	02	36
	696	00	25	01
	700	00	14	63
	701	00	10	35
	713	00	07	50
	714	00	08	54
	715/अ	00	06	95
	719	00	09	08
	720	00	04	64
	727	00	04	73
	726	00	07	70
	724	00	11	24
	731 (जी. एल.)	00	32	15
	730 (जी. एल.)	00	07	64
	739	00	00	18
	740	00	03	39
	741	00	02	69
	742	00	03	84
	744	00	04	24
	745	00	03	81
	746	00	00	35
	747	00	00	46
	757	00	07	70
	758	00	03	68
	759	00	01	56
	760	00	03	23
	761	00	02	95
	763	00	08	38
	762	00	00	30
	सर्वे नंबर 763 और 771 के बीच का नाला (सि. एल.)	00	06	06
	771	00	24	77
	770	00	05	84
	772	00	00	98
	सर्वे नंबर 772 और 775 के बीच की सरकारी जमीन (जी. एल.)	00	63	69
	775/अ	00	27	25
	775/ब	00	15	00
	सर्वे नंबर 775/ब और 782 के बीच का गाड़ी रास्ता (सि. एल.)	00	03	85
	782	00	38	75
	801/अ	00	29	40
	801/ब (जी. एल.)	00	13	96
	सर्वे नंबर 801/ब और 803 के बीच का नाला (सि. एल.)	00	03	08

1	2	3	4	5
वाकी बुदके (निरंतर)	803	00	19	52
	806	00	08	49
	807	00	07	64
	808	00	08	75
	811	00	11	18
	810	00	28	49
सर्वे नंबर 810 और 813 के बीच का नाला (सि. एल.)		00	05	45
	813	00	76	93
	815	00	06	49
	865	00	21	39
	864	00	07	98
सर्वे नंबर 864 और 863 के बीच का नाला (सि. एल.)		00	05	42
	863	00	16	13
	856	00	02	22
	862	00	35	46
	867	00	06	71
गाव सीमा के पास की नदी (सि. एल.)		00	29	72
	515	00	07	05
	562	00	00	06
	563	00	02	87
	516	00	05	70
	513	00	04	82
	511	00	02	44
	510	00	03	28
	505	00	00	99
	504	00	00	01
सर्वे नंबर 504 और 568 के बीच का नाला (सि. एल.)		00	08	89
	568	00	02	02
	569	00	08	78
	570	00	28	57
	609	00	36	66
	612	00	20	62
सर्वे नंबर 612 और 614 के बीच का नाला (सि. एल.)		00	05	24
	614	00	18	63
	615	00	31	27
	619	00	01	78
	620	00	02	13
	623	00	02	55
	624	00	01	92
सर्वे नंबर 624 और 630 के बीच की सरकारी जमीन (सि. एल.)		00	07	98
	630	00	10	34
	634	00	02	07
	635	00	02	51

1	2	3	4	5
वाकी खुर्द (निरंतर)	684	00	46	08
	686	00	19	74
	687	00	00	04
	689	00	21	04
	सर्वे नंबर 689 और 694 के बीच का नाला (सि. एल.)	00	03	48
	694	00	28	77
6) वाकी खुर्द	सर्वे नंबर 180 और 193 के बीच का नाला (सि. एल.)	00	04	48
	193	00	02	50
	सर्वे नंबर 180 और 180 के बीच में राष्ट्रीय मार्ग - 50 (सि. एल.)	00	04	40
	180	00	73	72
	सर्वे नंबर 180 में नाला (सि. एल.)	00	04	18
	सर्वे नंबर 179 पै. और गाव सीमा के बीच में रास्ता (सि. एल.)	00	02	74
7) रोहकल्ल	गाव सीमा के पास का रास्ता (सि. एल.)	00	00	10
	103/1	00	09	91
	109	00	02	05
	108	00	32	25
	38	00	04	92
	36	00	04	73
	35	00	03	48
	34	00	02	13
	33	00	01	16
	28	00	49	81
	220 (सि. एल.)	01	76	35
	सर्वे नंबर 220 में रास्ता (सि. एल.)	00	07	94
	सर्वे नंबर 220 में रास्ता (सि. एल.)	00	04	11
	207	00	13	73
	107	00	38	12
	106	00	09	00
	सर्वे नंबर 107 और 80 के बीच में रास्ता (सि. एल.)	00	05	06
	80/2	00	10	54
	81	00	10	47
	83	00	07	02
	84	00	24	00
	71	00	12	27
	72	00	00	31
	70	00	36	14
	67/ब	00	01	64
	69	00	03	75
	68	00	25	76
	63/1/2बी	00	39	00
	63/1/3ए	00	38	48
	64	00	00	10

1	2	3	4	5
रोहकल (निरंतर)	44	00	24	72
	41	00	02	71
	40/3	00	12	48
	39	00	13	30
8) पिंपरी खुर्द	52	00	07	83
	57	00	45	31
	58	00	17	56
	59	00	11	58
	60	00	11	76
	61/1	00	09	00
	61/2	00	07	20
	61/3	00	04	13
	61/4	00	08	80
	62	00	04	14
	63	00	09	88
	64	00	15	33
9) गोनवाडी	18	00	66	26
	17	00	80	39
	8	00	08	74
	9	00	09	97
	16	00	53	37
	10	00	14	13
	11	00	25	01
	सर्वे नंबर 11 और 52 के बीच में नाला (सि. एल.)	00	11	59
	सर्वे नंबर 52 में रास्ता (सि. एल.)	00	02	88
	52 (सि. एल.)	00	32	02
	53 (सि. एल.)	00	13	34
	54	00	34	54
	51 (सि. एल.)	00	00	60
	50	00	02	12
	55	00	78	04
	56	00	43	54
10) आंदोल	799	00	04	75
	798	00	52	82
	723	00	10	08
	722	00	13	58
	721	00	30	44
	719	00	63	30
	717	00	04	50
	718	00	01	20
	सर्वे नंबर 718 में रास्ता (सि. एल.)	00	02	79
	687	00	43	82
	688	00	17	52

1	2	3	4	5
अविद्य (निरंतर)	689	00	05	20
	534	00	04	50
	533	00	02	30
	536	00	03	10
	537	00	04	20
	538	00	03	02
	539	00	03	00
	540	00	03	02
	541	00	02	25
	542	00	01	50
	543	00	01	25
	544	00	01	38
	578	00	00	03
	579	00	02	63
	580	00	07	05
	615	00	62	70
	611	00	37	00
	610	00	00	02
	794	00	00	75
	786	00	03	00
	529	00	01	88
	530	00	00	25
	531	00	03	00
	532	00	03	75
	624	00	00	05
	621	00	03	00
	620	00	08	44
	619	00	11	38
	616	00	15	63
	614	00	09	69
11) कोरेगाव खुर्द	गाव सीमा के पास का रास्ता (सि. एल.)	00	04	85
	102 (सि. एल.)	00	48	61
	109	00	00	10
	110	00	60	90
	117	00	00	31
	118/1	00	18	83
	118/2	00	18	84
	119	00	00	10
	122	00	22	79
	123	00	07	75
	128	00	12	21
	129	00	02	42
	130	00	04	35

1	2	3	4	5
कोरगाव खुर्द (निरंतर)	131	00	04	46
	132	00	02	89
	133	00	07	05
	134	00	11	85
	135	00	12	32
	136	00	12	05
	137	00	13	74
	138	00	11	48
	139	00	00	14
	21	00	06	22
	17	00	18	26
	16	00	19	56
सर्वे नंबर 16 और 169 के बीच में रास्ता (सि. एल.)		00	02	78
	170	00	00	10
	171	00	09	89
	174	00	04	57
	169	00	39	04
	262	00	26	68
	261	00	46	04
	264	00	52	62
	263	00	70	75
	340	01	24	66
	331	00	00	23
	330	00	05	98
12) शेलु	169	00	20	48
	168 (सि. एल.)	01	45	35
	143	00	00	81
	248	00	09	25
	245 (जी. एल.)	00	03	33
	249 (जी. एल.)	00	13	47
	250 (जी. एल.)	00	10	00
	253	00	02	79
	254	00	32	72
	255	00	09	52
	259	00	04	87
	260	00	00	15
	224	00	06	09
	225	00	13	01
	218	00	22	99
	216	00	04	24
	219	00	09	28
	215	00	01	92
	214	00	02	16

1	2	3	4	5
श्रेणी (निरंतर)	213	00	01	61
	212	00	07	83
	211	00	12	74
सर्वे नंबर 211 और 305 के बीच में नाला (सि. एल.)		00	11	13
	303	00	06	92
	305	00	09	52
	306	00	29	35
	302	00	00	89
	307	00	09	28
	308	00	05	71
	316	00	00	41
	309	00	06	61
	310	00	02	87
	315	00	01	37
	314	00	59	19
	312	00	07	35
सर्वे नंबर 314 और 336 के बीच में रास्ता (सि. एल.)		00	22	13
	336 (सि. एल.)	00	75	79
	342 (सि. एल.)	01	14	07
	363 (सि. एल.)	00	07	28
	365 (सि. एल.)	00	17	23
	359 (सि. एल.)	00	77	34
	355	00	03	37
	358	00	42	76
	357	00	01	69
13) असखेड खुर्द	64	00	30	86
सर्वे नंबर 64 में रास्ता (सि. एल.)		00	03	76
	66	00	70	39
	158	00	09	77
	68	00	06	46
	163	00	07	66
	162	00	34	41
	164	00	34	71
	69	00	51	31
	74	00	05	96
	75	00	04	50
	76	00	05	53
	84	00	13	93
	85	00	12	95
	89	00	35	09
	91	00	33	36
	92	00	11	73

1	2	3	4	5
असखेड खुर्द (निरंतर)	93	00	86	38
	156/1	00	54	21
	सर्वे नंबर 156 में मुख्य जिला मार्ग 17 (सि. एल.)	00	16	97
	157	00	14	94
14) करंजविहीरे	230	00	57	13
	229	00	01	44
	233	00	39	36
	234	00	20	87
	256	00	25	24
	254	00	23	89
	257	00	28	04
	258	00	26	32
	259	00	25	96
	260	00	58	60
	281	00	19	61
	282	00	02	18
	283	00	00	33
मंडल/ तेहसिल/तालुक:मावळ		जिला : पुणे		राज्य: महाराष्ट्र
1) मिडेवाडी	98	00	09	92
	97	00	33	95
	96	00	28	47
	101	00	00	10
	95	00	13	05
	94	00	11	42
	92	00	14	07
	91	00	16	94
	68	00	38	43
	69	00	56	88
	सर्वे नंबर 69 और 70 में रास्ता (सि. एल.)	00	03	90
	62	00	46	59
	28	00	47	57
2) बादलवाडी	179	00	31	47
	177	00	29	60
	183	00	67	23
	184	00	30	43
	185	00	21	68
	186	00	33	01
	195	00	10	49
	199	00	19	38
	200	00	21	04
	217	00	30	10
	201	00	00	46
	218	00	14	59

1	2	3	4	5
कायलवाडी (निरंतर)	170	00	06	88
	171	00	18	41
	202	00	45	62
	204	00	00	43
	207	00	47	48
	206	00	30	22
	205	00	00	12
	717	00	00	19
	721	00	17	07
	720	00	05	05
	723	00	02	29
	691	00	00	40
	692	00	02	23
	693	00	02	34
	694	00	02	33
	695	00	07	34
	665	00	17	14
सर्वे नंबर 665 में रास्ता (सि. एल.)		00	12	08
सर्वे नंबर 665 में रास्ता (सि. एल.)		00	03	30
	648	00	52	60
	644	00	16	30
	578	00	17	73
	577	00	30	21
	568	00	33	24
	575	00	10	90
	569	00	34	40
	570	00	34	94
	556	00	14	47
	540	00	13	58
	539	00	42	62
	538	00	03	68
	537	00	29	33
	536	00	63	59
	512	00	29	13
3) नवलाक उखे	760	00	21	25
	770	00	03	08
	771	00	01	88
	773	00	18	70
	772	00	00	36
	769	00	09	38
	768	00	02	23
	767	00	09	13
	766	00	00	57

1	2	3	4	5
नवलाक उम्बे (निरंतर)	708	00	03	09
	707	00	15	69
	709	00	13	67
	720	00	06	61
	721	00	00	40
	719	00	03	50
	717	00	03	28
	718	00	04	80
	716	00	20	45
	560	00	01	64
	559	01	23	73
	556	00	61	14
	555	00	09	76
	577	00	39	42
	578	00	16	00
	579	00	05	47
	580	00	29	57
	581	00	17	07
	सर्वे नंबर 580 में सरकारी जमीन (जी. एल.)	00	00	68
	465 (सि. एल.)	00	01	45
	463	00	29	82
	गाव सीमा के पास सरकारी जमीन (जी. एल.)	00	03	50
4) आंबळे	66	00	25	61
	67	00	19	92
	65	00	12	66
	64	00	13	33
	63	00	24	69
	62	00	54	15
	30	00	22	32
	32	00	30	94
	33	00	97	07
	26	00	78	39
	27	00	64	56
	22	00	48	90
	5/1	00	25	25
	5/2	00	25	25
	5/3	00	25	25
	6/1	00	56	77
	16/1	00	50	75
	16/2	00	19	05
	16/3	00	25	20
	15/1	00	09	68
5) निगडे	288	00	00	81

1	2	3	4	5
निगडे (निरतर)	287	00	42	71
	303	00	00	52
	295 (जी. एल.)	00	20	24
	296	01	00	72
	305	01	02	43
	306	00	16	35
	सर्वे नंबर 306 और 625 के बीच में नाला (सि. एल.)	00	06	96
	625	00	05	78
	486	00	58	63
	499	00	00	30
	487	00	03	10
	498	00	26	81
	497	00	32	29
	496	00	05	22
	508	00	37	77
	सर्वे नंबर 306 और 508 में रास्ता (सि. एल.)	00	03	53
	509	00	53	57
	544	00	00	34
	543	00	20	20
	542	00	64	93
	554	01	01	25
	534	00	45	84
	555	00	03	37
	558	00	81	25
	557	00	35	00
	453	00	00	98
6) पवलेवाडी	गाव सीमा के पास की सरकारी जमीन (जी. एल.)	00	18	27
	13	01	06	49
	10	00	02	48
	12	00	18	91
	14	00	18	17
	15	00	53	36
	7	00	12	29
	16	00	45	64
	3	00	09	24
	21	00	42	43
	2	00	28	81
	1	00	52	10
7) कल्लहट	258	00	59	62
	सर्वे नंबर 258 और 262 के बीच में नाला (सि. एल.)	00	33	33
	261	00	02	84
	262	00	25	58
	263	00	36	06

1	2	3	4	5
कलहाट (निरतर)	470	00	53	83
	469	00	04	64
	484	00	65	41
	485	00	53	47
	500	00	21	15
	सर्वे नंबर 485 में रास्ता (सि. एल.)	00	03	33
	499	00	36	12
	512	00	12	56
	511	00	17	37
	510	00	20	57
	509	00	11	00
	513	00	36	21
	552	00	00	74
	553	00	41	26
	554	00	40	39
	558	00	45	40
8) भोयरे	166	00	69	98
	सर्वे नंबर 165 और 16 के बीच में रास्ता (सि. एल.)	00	03	89
	16	00	29	40
	17	00	02	89
	18	00	56	44
	20 (जी. एल.)	00	65	93
	11	00	66	35
	6बी	00	22	82
	6ए	00	32	72
	5	00	10	78
	4	00	15	70
	528	00	56	36
	529	00	05	47
	525	00	21	56
	526	00	00	10
	524	00	14	42
	530	00	00	45
9) कशाळ	180	00	25	10
	179	00	01	98
	181	00	93	44
	184	00	00	10
	210	00	06	37
	सर्वे नंबर 210 और 209 के बीच में रास्ता (सि. एल.)	00	05	25
	209	00	34	60
	208	00	39	44
	207	00	25	66
	206	00	15	49

1	2	3	4	5
कसाक (निरतर)	205	00	02	46
	204	00	32	38
	202	00	03	59
	सर्वे नंबर 202 और 421 के बीच में नाला (सि. एल.)	00	07	29
	421	00	55	59
	422	00	11	09
	423	00	45	47
	424	00	34	15
	404	00	12	45
	403	00	54	26
	402	00	18	60
	400	00	09	70
	399	00	00	66
	383	00	59	48
	384	00	02	30
	390	00	46	06
	385	00	06	98
	391	00	39	44
10) किवळे	49	00	37	17
	48	00	17	63
	51	00	73	96
	52	00	29	06
	सर्वे नंबर 52 में रास्ता (सि. एल.)	00	08	46
	53	00	95	14
	54	00	53	20
	55	00	17	48
	सर्वे नंबर 55 और 142 के बीच में नाला (सि. एल.)	00	05	70
	सर्वे नंबर 55 और 142 के बीच में तालाब (सि. एल.)	00	18	70
	142	00	12	56
	143	00	25	44
	144	00	19	31
	140	00	07	88
	139	00	15	22
	138	00	17	19
	137	00	30	77
	141	00	13	32
	सर्वे नंबर 141 और 134 के बीच में तालाब (जी. एल.)	00	35	22
	134	00	11	45
	135	00	15	17
	133	00	47	18
	132	00	58	87
	131	00	22	33
	130	00	09	68

1	2	3	4	5
11) इंगलू	48	00	76	55
	47 (जी. एल.)	00	22	07
	39	00	02	35
	38	00	02	00
	36	00	32	65
	35	00	31	03
	सर्वे नंबर 35 में रास्ता (सि. एल.)	00	03	96
	30	00	00	11
	29	00	06	98
	23	00	05	95
	25	00	12	50
	24	00	09	81
	21	00	02	33
	20	00	03	02
	18	00	01	00
	सर्वे नंबर 20, 330 और 18 बीच में तालाब (सि. एल.)	00	04	02
	330	00	23	48
	332	00	22	28
	325	00	06	43
	324	00	23	66
	111	00	49	55
	109	00	47	21
	128	00	25	59
	सर्वे नंबर 128 में नाला (सि. एल.)	00	03	52
	153	00	57	97
	152	00	05	52
	160	00	11	64
	159	00	51	60
	156	00	01	19
	158	00	38	31
	157	00	25	78
	163	00	07	04
	164	00	04	46
	167	00	29	26
	165	00	19	72
	247	00	59	40
	244	00	39	94
	सर्वे नंबर 244 में रास्ता (सि. एल.)	00	03	35
	245	00	22	50
	240	00	00	10
	242	00	26	13
	238	00	17	16
	236	00	41	66

1	2	3	4	5
इंगफून (निरंतर)	227	00	03	58
	सर्वे नंबर 236 में रास्ता (सि. एल.)	00	00	27
12) कुणेवाडी	सर्वे नंबर 48 में रास्ता (सि. एल.)	00	04	26
	48	00	62	58
	49	00	16	40
	115	00	21	78
	122	00	28	21
	121	00	40	18
	120	00	26	90
	148	00	05	39
	149	00	00	10
	150	00	29	48
	152	00	62	62
	सर्वे नंबर 172 और 173 के बीच में तालाब (जी. एल.)	00	45	24
	आन्ध्रा लेक में नाला (सि. एल.)	00	07	45
	173	00	30	64
	175	00	83	10
	183	00	09	79
	4	01	11	98
13) मालेगाव खुर्द	गाव सीमा के पास सरकारी जमीन (जी. एल.)	00	75	80
	24	00	12	98
	23	00	08	74
	सर्वे नंबर 12 में रास्ता (सि. एल.)	00	03	12
	12	00	03	92
	28	00	50	01
	सर्वे नंबर 20 में नाला (सि. एल.)	00	05	91
14) पिंपरीवाडी	सर्वे नंबर 126 में नाला (सि. एल.)	00	03	30
	126	00	86	77
	125	00	30	17
	123	00	39	53
	134	00	05	01
	135	00	26	43
	101	00	46	77
	सर्वे नंबर 100 में नाला (सि. एल.)	00	15	30
	100	00	38	61
	139	00	36	77
	140	00	45	97
	सर्वे नंबर 140 में नाला (सि. एल.)	00	07	80
	141	00	55	97
	142	00	68	97
	145	00	26	69
	144	00	00	30
	143	00	08	09

1	2	3	4	5
पिंपरीवाडी (निरंतर)	169	00	00	75
	222	00	55	46
	171	00	00	83
	221	00	02	65
	215	00	35	72
	216	00	31	11
	220	00	39	15
	218	00	57	48
15) मालेगाव बुदुक	109	00	20	40
	111	00	05	88
	110	00	01	21
	107	00	05	12
	106	00	74	38
	105 (सि. एल.)	00	40	60
	104	00	18	42
	103	00	50	19
	59	00	63	00
	सर्वे नंबर 59 और 51 के बीच में तालाब (सि. एल.)	01	18	94
	51	00	13	87
	52	00	06	32
	55	00	00	10
	54	00	18	68
	178	00	12	40
	179	00	14	46
	184	00	10	43
	176	00	00	18
	182	00	15	02
	180	00	09	22
	181	00	18	32
	173	00	23	17
	172	00	23	08
	171	00	19	43
	सर्वे नंबर 171 और 165 के बीच में सरकारी जमीन (सि. एल.)	00	38	30
	165	00	77	55
	158	00	03	76
	159	00	55	41
16) सावळे	51	00	47	45
	50	00	86	11
	52	00	01	20
	72	02	25	55
	97/3	00	59	49
	97/2	00	13	32
	सर्वे नंबर 97/2 और 97/3 के बीच में रास्ता (सि. एल.)	00	04	82

1	2	3	4	5
सावळे (किरीट)	118	00	43	58
	97/4	00	14	96
	112	00	01	26
	114	00	03	02
	113	00	10	10
	120/1	00	80	64
	120/2	00	01	54
	106	00	00	40
	87/12	00	52	45
	120/3	00	50	94
	86	00	14	56
	122	00	00	99
	121	00	11	97
	120/10	00	45	76
	120/8	00	83	88
	156	00	22	91

[फा. सं. एल-14014/50/2004-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 27th April, 2005

S. O. 1606.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3209, dated 15th December 2004, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transport of natural gas from exploration blocks in the Northern / Southern Offshore of Goa and structures in Andhra Pradesh of M/s Reliance Industries Limited, the promoter company of M/s Gas Transportation and Infrastructure Company Limited to various consumers of District Pune in the State of Maharashtra by Gas Transportation and Infrastructure Company Limited;

And whereas the copies of the said Gazette notification were made available to the public on 17th January, 2005;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the Competent Authority;

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired, for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on this date of publication of the declaration, in Gas Transportation and Infrastructure Company Limited, free from all encumbrances.

Schedule

Mandal/ Thesi/ Taluk :Khed		District : Pune		State: Maharashtra	
Village	Survey No./ Gat No.	Area to be acquired for ROU			
		Hect.	Are	C-Are	
1	2	3	4	5	
1) Sablewadi	225	00	03	98	
	219	00	46	71	
	224	00	30	20	
	1514 (Old No.)	00	01	55	
	Cart Track between Survey No. 1514 (Old No.) and 220 (CL)	00	01	57	
	220	00	38	67	
	1511 (Old No.) (209)	00	18	89	
	214	00	09	10	
	212	00	10	63	
	211	00	07	88	
	213	00	00	08	
	215	00	36	85	
	Nala between Survey No. 215 and 13 (CL)	00	05	67	
	13	00	00	85	
	17/A	00	49	64	
	17/B (GL)	00	24	71	
	16	00	05	15	
	28 (GL)	00	40	69	
	27	00	01	54	
	36	00	21	32	
	33	00	11	33	
	34	00	13	09	
2) Bahul	415 (GL)	01	04	00	
	Nala between Survey No. 415 and Canal (CL)	00	01	54	
	Canal between Survey No. 415 and 281 (CL)	00	03	12	
	281	00	26	64	
	282/2 (GL)	00	11	18	
	Nala between Survey No. 282/2 and 276 (CL)	00	07	51	
	276	00	01	24	
	275/A	00	17	18	
	Cart Track between Survey No. 275/A and 275/B (CL)	00	02	08	
	275/B	00	18	51	

1	2	3	4	5
Bahul (Contd...)	274	00	15	03
	256	00	19	57
	1272 Old No.	00	00	76
	Nala between Survey No. 1272 (Old No.) and 284 (CL)	00	03	50
	284	00	08	99
	Nala between Survey No. 284 and 257 (CL)	00	05	39
	257	00	02	43
	255	00	04	50
	254	00	19	34
	253	00	30	01
	Nala between Survey No. 253 and 233 (CL)	00	05	99
	Cart Track between Survey No. 253 and 233 (CL)	00	01	44
	233	01	29	67
	1046 (Old No.)	00	06	29
	1048 (Old No.)	00	04	86
	Nala between Survey No. 1048 (Old No.) and 78 (CL)	00	12	16
	78	00	11	00
	76	00	49	00
	765 (Old No.)	00	20	63
	75	00	13	03
	1256	00	33	38
	Road between Survey No. 1256 and 1257 (CL)	00	04	34
	1257	00	49	08
	Nala between Survey No. 1257 and 530 (Old No.) (CL)	00	07	68
	530 (Old No.)	00	06	40
	1029	00	23	65
	1031	00	32	00
	1030	00	14	67
	Road between Survey No. 1030 and 1050/1 (CL)	00	03	07
	1050/1	00	17	85
	1050/2	00	17	83
	Nala between Survey No. 1050/2 and 1054 (CL)	00	02	90
	1054	00	29	09
	Nala between Survey No. 1054 and 1059 (CL)	00	06	45
	1059	00	21	00
	1058	00	00	87
	961	00	97	73
	Field Channel between Survey No. 961 and 960 (CL)	00	00	45
	960	00	18	51
	959	00	18	49

1	2	3	4	5
3) Pimpalgaon tarf Khed	1847	00	50	35
	1864	00	26	31
	Canal between Survey No. 1864 and 1865 (CL)	00	02	69
	1865/2	00	03	00
	1995	00	54	22
	1872	00	13	25
	1858 (GL)	00	04	55
	1873	00	07	21
	1874 (GL)	00	05	90
	1875	00	18	39
	1876	00	13	13
	1877	00	04	89
	1878	00	06	44
	1879 (GL)	00	11	43
	1880	00	20	25
	1881	00	06	39
	Field Channel between Survey No. 1881 and 1882 (CL)	00	00	70
	1882	00	18	15
	1887	00	11	98
	1889	00	09	37
	Field Channel in Survey No. 1889 (CL)	00	00	24
	1890	00	04	91
	1891/1	00	13	07
	Canal between Survey No. 1891 and 1892 (CL)	00	01	30
	1892	00	07	01
	Road between Survey No. 1892 and 1894 (CL)	00	04	78
	1894 (GL)	00	21	88
	Cart Track in Survey No. 1894 (CL)	00	03	33
	1912	00	01	37
	1906	00	43	00
	1902	00	02	40
	1904	00	02	00
	1903	00	02	20
	1905	00	02	20
	1907	00	01	10
	1908	00	00	50
	Nala between Survey No. 1906 and 1972 (CL)	00	04	30
	1972	00	20	40
	1973	00	10	23
	1974	00	02	56
	1975	00	08	51
	1976	00	00	46

1	2	3	4	5
Pimpalgaon tarf Khed (Contd...)	1978	00	16	85
	1979	00	04	96
	1981	00	05	00
	1982	00	08	07
	Field Channel between Survey No. 1978 and 1982 (CL)	00	00	23
	Field Channel between Survey No. 1978 and 1982 (CL)	00	00	11
	1983	00	10	55
	1999	00	01	50
	1959	00	02	24
	1958	00	11	05
	1957	00	15	10
	1956	00	11	35
	1955	00	04	79
	1946	00	41	00
	1952/1	00	28	94
	Canal between Survey No. 1952/1 and Road (CL)	00	05	36
	Road between Survey No. 1952/1 and 1744/1 (CL)	00	08	68
	1744/1	00	36	25
	1744/3	00	00	70
	Field Channel between Survey No. 1744 and 1580 (CL)	00	02	54
	1743	00	00	73
	1580/1/1	00	43	11
	1580/B	00	33	15
	1582	00	55	06
	1581	00	02	82
	Nala between Survey No. 1581 and 1583 (CL)	00	03	15
	1583	00	07	13
	1584	00	10	99
	1579/1	00	00	24
	1586	00	05	33
	1587	00	02	60
	1589	00	02	05
	1590/1	00	04	58
	1590/2	00	06	59
	1591	00	03	54
	1592	00	08	44
	1593	00	22	50
	1594 (GL)	00	07	17
	394/1	00	01	33
	394/2	00	16	44
	393/1B	00	15	00

1	2	3	4	5
Pimpalgaon tarf Khed	393/1A (GL)	00	00	48
(Contd...)	Canal between Survey No. 393/1A and 393/2 (CL)	00	05	66
	393/2	00	07	48
	386	00	03	74
	388	00	03	53
	385/1B	00	04	48
	385/2	00	05	57
	385/1A (GL)	00	04	00
	384	00	08	03
	383	00	09	16
	382	00	10	38
	363/2	00	36	31
	363/4 (GL)	00	07	00
	363/3	00	01	37
	359	00	27	10
	360	00	17	17
	357	00	02	81
	361	00	38	80
	356	00	14	47
	354	00	01	49
	Road between Survey No. 354 and 170/2 (CL)	00	05	57
	170/2 (GL)	00	14	87
	171	00	20	92
	172/A	00	12	96
	172/B	00	23	08
	173	00	10	42
	174	00	12	56
	175	00	13	82
	Nala between Survey No. 175 and 176 (CL)	00	07	12
	176	00	15	68
	164	00	01	00
	191	00	25	82
	192	00	16	33
	193	00	26	13
	195	00	02	20
	196	00	01	70
	197	00	11	35
	198	00	05	73
	210	00	12	53
	199	00	00	08
	211	00	05	81
	212	00	07	32
	231	00	09	16
	230	00	15	56

1	2	3	4	5
Pimpalgaon tarf Khed (Contd...)	232	00	04	87
	235	00	26	20
	236	00	26	06
	237	00	14	23
	249	00	14	50
	250	00	12	58
	258	00	02	74
	257	00	09	82
	226	00	06	86
	255	00	04	64
	254	00	10	33
	253	00	07	59
	252	00	12	24
	251	00	02	00
	River at Village Boundary (CL)	00	35	25
4) Kalus	582	00	17	51
	580	00	00	07
	581	00	22	88
	583	00	10	78
	577	00	09	97
	576	00	21	05
	575	00	07	43
	574	00	14	75
	573	00	08	10
	569	00	00	72
	524	00	24	09
	Cart Track between Survey No. 524 and 568/A (CL)	00	01	81
	568/A	00	96	96
	567 (GL)	00	22	38
	566 (GL)	00	08	43
	565	00	06	97
	564	00	07	11
	563	00	07	53
	562 (GL)	00	05	37
	561	00	03	50
	560	00	01	44
	525	00	26	52
	526	00	03	21
	527	00	23	73
	528	00	18	83
	530	00	00	35
	529	00	10	39
	Canal between Survey No. 529 and 543 (CL)	00	02	45
	543	00	35	34

1	2	3	4	5
Kalus (Contd...)	112	00	17	32
	111	00	06	76
	114	00	00	56
	110	00	05	86
	109	00	06	14
	108	00	03	56
	105	00	29	67
	106	00	00	20
	104	00	02	20
	115	00	00	23
	103	00	02	06
	102	00	11	10
	101	00	12	43
	100	00	05	99
	99	00	21	65
	96	00	13	79
Government Land between Survey No. 96 and 52 (CL)		00	17	96
	52	00	31	27
	51	00	10	35
	60	00	07	61
	49	00	01	76
	47	00	28	38
	45	00	15	77
	29	00	58	98
	21	00	13	70
	20	00	08	62
	18	00	05	03
	17	00	07	98
	16 (GL)	00	00	63
	15	00	18	79
Canal between Survey No. 15 and 13 (CL)		00	03	02
	13	00	00	04
	14	00	22	11
Major District Road-20 between Survey No. 14 and 1898 (CL)		00	06	38
	1898	00	01	10
	1800 (GL)	00	27	43
Village Road-115 between Survey No. 1800 and 2408 (CL)		00	03	05
	2408	00	00	87
	2407	00	07	32
	140	00	01	31
	1880	00	17	52
	1944	00	07	62

1	2	3	4	5
Kalus (Contd...)	Field Channel between Survey No. 1944 and 1981 (CL)	00	00	82
	1981 (GL)	00	08	46
	2395/A	00	05	48
	2395/B	00	05	52
	2394	00	13	60
	2393	00	18	02
	2392	00	09	50
	2391	00	08	03
	2390	00	05	85
	2387	00	06	36
	2386	00	04	84
	2384	00	03	61
	2383	00	03	93
	2380	00	11	93
	2354	00	11	67
	Road between Survey No. 2354 and 1017 (CL)	00	06	50
	1017	00	01	24
	1019	00	09	10
	1020	00	12	12
	1023	00	06	18
	1022	00	19	48
	1027	00	11	81
	1063 (GL)	00	20	31
	1062	00	15	20
	1061	00	12	32
	1038	00	21	75
	Cart Track between Survey No. 1038 and 1036 (CL)	00	04	76
	1036	00	04	45
	1037 (GL)	00	06	84
	1039	00	15	34
	1041 (GL)	00	08	71
	1040	00	04	40
	1042	00	06	41
	1043	00	01	59
	1044	00	06	05
	1047	00	04	24
	1045 (GL)	00	28	84
	1130 (GL)	00	25	79
	1131 (GL)	00	07	94
	1132 (GL)	00	06	37
	1133 (GL)	00	06	18
	Nala between Survey No. 1133 and 1134 (CL)	00	02	39
	1134	00	04	01

1	2	3	4	5
Kalus (Contd...)	1135	00	01	00
	1136	00	06	53
	1137 (GL)	00	10	89
	1138	00	04	72
	1139 (GL)	00	08	26
	1140	00	15	76
	1598 (GL)	00	00	75
	Road between Survey No. 1598 and 1142 (CL)	00	06	37
	1142	00	01	32
	1143	00	00	50
	1596	00	27	49
	1597	00	29	81
	1722 (GL)	00	11	76
	1721	00	02	20
	1720/1 (GL)	00	50	97
	Government Land between Survey No. 1720/1 and 1711	00	11	85
	1711	00	08	94
	1712	00	05	17
	1713	00	02	84
	1714	00	04	58
	1748	00	04	88
	1747	00	11	53
	964	00	02	95
	1746	00	03	00
	174 ^E	00	02	33
	1744	00	03	39
	1743	00	03	29
	1741	00	16	95
	1742	00	69	60
	Canal in Survey No. 1742 (CL)	00	04	69
	Other District Road-32 at Village Boundary (CL)	00	03	68
5) Waki budurk	401	00	00	59
	400	00	21	73
	399	00	20	71
	Canal between Survey No. 399 and 398 (CL)	00	07	49
	398	00	17	53
	397	00	01	40
	402	00	08	66
	396	00	17	95
	393	00	09	92
	394	00	02	47
	391	00	15	30
	492	00	22	53

1	2	3	4	5
Waki budurk (Contd...)	389	00	00	50
	387	00	00	40
	390	00	03	32
	520	00	13	58
	519 (GL)	00	02	25
	517	00	04	90
	518	00	02	42
	514	00	02	36
	696	00	25	01
	700	00	14	63
	701	00	10	35
	713	00	07	50
	714	00	08	54
	715/A	00	06	95
	719	00	09	08
	720	00	04	64
	727	00	04	73
	726	00	07	70
	724	00	11	24
	731 (GL)	00	32	15
	730 (GL)	00	07	64
	739	00	00	18
	740	00	03	39
	741	00	02	69
	742	00	03	84
	744	00	04	24
	745	00	03	81
	746	00	00	35
	747	00	00	46
	757	00	07	70
	758	00	03	68
	759	00	01	56
	760	00	03	23
	761	00	02	95
	763	00	08	38
	762	00	00	30
	Nala between Survey No. 763 and 771 (CL)	00	06	06
	771	00	24	77
	770	00	05	84
	772	00	00	98
	Government Land between Survey No. 772 and 775 (GL)	00	63	69
	775/A	00	27	25
	775/B	00	15	00
	Cart Track between Survey No. 775/B and 782 (CL)	00	03	85

1	2	3	4	5
Waki budurk (Contd...)	782	00	38	75
	801/A	00	29	40
	801/B (GL)	00	13	96
	Nala between Survey No. 801/B and 803 (CL)	00	03	08
	803	00	19	52
	806	00	08	49
	807	00	07	64
	808	00	08	75
	811	00	11	18
	810	00	28	49
	Nala between Survey No. 810 and 813 (CL)	00	05	45
	813	00	76	93
	815	00	06	49
	865	00	21	39
	864	00	07	98
	Nala between Survey No. 864 and 863 (CL)	00	05	42
	863	00	16	13
	856	00	02	22
	862	00	35	46
	867	00	06	71
	River at Village Boundary (CL)	00	29	72
	515	00	07	05
	562	00	00	06
	563	00	02	87
	516	00	05	70
	513	00	04	82
	511	00	02	44
	510	00	03	28
	505	00	00	99
	504	00	00	01
	Nala between Survey No. 504 and 568 (CL)	00	08	89
	568	00	02	02
	569	00	08	78
	570	00	28	57
	609	00	36	66
	612	00	20	62
	Nala between Survey No. 612 and 614 (CL)	00	05	24
	614	00	18	63
	615	00	31	27
	619	00	01	78
	620	00	02	13
	623	00	02	55

1	2	3	4	5
Waki budurk (Contd...)	624	00	01	92
	Government Land between Survey No. 624 and 630 (CL)	00	07	98
	630	00	10	34
	634	00	02	07
	635	00	02	51
	684	00	46	08
	688	00	19	74
	687	00	00	04
	689	00	21	04
	Nala between Survey No. 689 and 694 (CL)	00	03	48
	694	00	28	77
6) Waki khurd	Nala between Survey No. 180 and 193 (CL)	00	04	48
	193	00	02	50
	National Highway-50 between Survey No. 180P and 180 (CL)	00	04	40
	180	00	73	72
	Nala in Survey No. 180 (CL)	00	04	18
	Road in between Survey No. 180P and 180 (CL)	00	02	74
7) Rohakkal	Road at Village Boundary (CL)	00	00	10
	103/1	00	09	91
	109	00	02	05
	108	00	32	25
	38	00	04	92
	36	00	04	73
	35	00	03	48
	34	00	02	13
	33	00	01	16
	28	00	49	81
	220 (CL)	01	76	35
	Road in Survey No. 220 (CL)	00	07	94
	Road in Survey No. 220 (CL)	00	04	11
	207	00	13	73
	107	00	38	12
	106	00	09	00
	Road between Survey No. 107 and 80 (CL)	00	05	06
	80/2	00	10	54
	81	00	10	47
	83	00	07	02
	84	00	24	00
	71	00	12	27
	72	00	00	31
	70	00	36	14

1	2	3	4	5
Rohakkal (Contd...)	67/B	00	01	64
	69	00	03	75
	68	00	25	76
	63/1/2B	00	39	00
	63/1/3A	00	38	48
	64	00	00	10
	44	00	24	72
	41	00	02	71
	40/3	00	12	48
	39	00	13	30
8) Pimprikhurd	52	00	07	83
	57	00	45	31
	58	00	17	56
	59	00	11	58
	60	00	11	76
	61/1	00	09	00
	61/2	00	07	20
	61/3	00	04	13
	61/4	00	08	80
	62	00	04	14
	63	00	09	88
	64	00	15	33
9) Gonawadi	18	00	66	26
	17	00	80	39
	8	00	08	74
	9	00	09	97
	16	00	53	37
	10	00	14	13
	11	00	25	01
	Nala between Survey No. 11 and 52 (CL)	00	11	59
	Road in Survey No.52 (CL)	00	02	88
	52 (CL)	00	32	02
	53 (CL)	00	13	34
	54	00	34	54
	51 (CL)	00	00	60
	50	00	02	12
	55	00	78	04
	56	00	43	54
10) Ambethan	799	00	04	75
	798	00	52	82
	723	00	10	08
	722	00	13	58
	721	00	30	44
	719	00	63	30
	717	00	04	50

1	2	3	4	5
Ambethan (Contd...)	718	00	01	20
	Road in Survey No. 718 (CL)	00	02	79
	687	00	43	82
	688	00	17	52
	689	00	05	20
	534	00	04	50
	533	00	02	30
	536	00	03	10
	537	00	04	20
	538	00	03	02
	539	00	03	00
	540	00	03	02
	541	00	02	25
	542	00	01	50
	543	00	01	25
	544	00	01	38
	578	00	00	03
	579	00	02	63
	580	00	07	05
	615	00	62	70
	611	00	37	00
	610	00	00	02
	794	00	00	75
	786	00	03	00
	529	00	01	88
	530	00	00	25
	531	00	03	00
	532	00	03	75
	624	00	00	05
	621	00	03	00
	620	00	08	44
	619	00	11	38
	616	00	15	63
	614	00	09	69
11) Koregaonkhurd	Road at Village Boundary (CL)	00	04	85
	102 (CL)	00	48	61
	109	00	00	10
	110	00	60	90
	117	00	00	31
	118/1	00	18	83
	118/2	00	18	84
	119	00	00	10
	122	00	22	79
	123	00	07	75
	128	00	12	21
	129	00	02	42

1	2	3	4	5
Koregaonkhurd (Contd...)	130	00	04	35
	131	00	04	46
	132	00	02	89
	133	00	07	05
	134	00	11	85
	135	00	12	32
	136	00	12	05
	137	00	13	74
	138	00	11	48
	139	00	00	14
	21	00	06	22
	17	00	18	26
	16	00	19	56
	Road between Survey No. 16 and Survey No.169 (CL)	00	02	78
	170	00	00	10
	171	00	09	89
	174	00	04	57
	169	00	39	04
	262	00	26	68
	261	00	46	04
	264	00	52	62
	263	00	70	75
	340	01	24	66
	331	00	00	23
	330	00	05	98
12) Shelu	169	00	20	48
	168 (CL)	01	45	35
	143	00	00	81
	248	00	09	25
	245 (GL)	00	03	33
	249 (GL)	00	13	47
	250 (GL)	00	10	00
	253	00	02	79
	254	00	32	72
	255	00	09	52
	259	00	04	87
	260	00	00	15
	224	00	06	09
	225	00	13	01
	218	00	22	99
	216	00	04	24
	219	00	09	28
	215	00	01	92
	214	00	02	16
	213	00	01	61

1	2	3	4	5
Shelu (Contd...)	212	00	07	83
	211	00	12	74
	Nala between Survey No. 211 and 305 (CL)	00	11	13
	303	00	06	92
	305	00	09	52
	306	00	29	35
	302	00	00	89
	307	00	09	28
	308	00	05	71
	316	00	00	41
	309	00	06	61
	310	00	02	87
	315	00	01	37
	314	00	59	19
	312	00	07	35
	Road between Survey No. 314 and 336 (CL)	00	22	13
	336 (CL)	00	75	79
	342 (CL)	01	14	07
	363 (CL)	00	07	28
	365 (CL)	00	17	23
	359 (GL)	00	77	34
	355	00	03	37
	358	00	42	76
	357	00	01	69
13) Ashkedkhurd	64	00	30	86
	Road in Survey No. 64 (CL)	00	03	76
	66	00	70	39
	158	00	09	77
	68	00	06	46
	163	00	07	66
	162	00	34	41
	164	00	34	71
	69	00	51	31
	74	00	05	96
	75	00	04	50
	76	00	05	53
	84	00	13	93
	85	00	12	95
	89	00	35	09
	91	00	33	36
	92	00	11	73
	93	00	86	38
	156/1	00	54	21

1	2	3	4	5
Ashkedkhurd (Contd...)	Major District Road-17 in Survey No. 156 (CL)	00	16	97
	157	00	14	94
14) Karanjavihire	230	00	57	13
	229	00	01	44
	233	00	39	36
	234	00	20	87
	256	00	25	24
	254	00	23	89
	257	00	28	04
	258	00	26	32
	259	00	25	96
	260	00	58	60
	281	00	19	61
	282	00	02	18
	283	00	00	33
Mandal/ Thesil/ Taluk :Maval	District : Pune	State: Maharashtra		
1) Midewadi	98	00	09	92
	97	00	33	95
	96	00	28	47
	101	00	00	10
	95	00	13	05
	94	00	11	42
	92	00	14	07
	91	00	16	94
	68	00	38	43
	69	00	56	88
	Road in Survey No. 69 and 70 (CL)	00	03	90
	62	00	46	59
	28	00	47	57
2) Badalwadi	179	00	31	47
	177	00	29	60
	183	00	67	23
	184	00	30	43
	185	00	21	68
	186	00	33	01
	195	00	10	49
	199	00	19	38
	200	00	21	04
	217	00	30	10
	201	00	00	46
	218	00	14	59
	170	00	06	88
	171	00	18	41
	202	00	45	62
	204	00	00	43

1	2	3	4	5
Badalwadi (Contd...)	207	00	47	48
	208	00	30	22
	205	00	00	12
	717	00	00	19
	721	00	17	07
	720	00	05	05
	723	00	02	29
	691	00	00	40
	692	00	02	23
	693	00	02	34
	694	00	02	33
	695	00	07	34
	665	00	17	14
	Road in Survey No. 665 (CL)	00	12	08
	Road in Survey No. 665 (CL)	00	03	30
	648	00	52	60
	644	00	16	30
	578	00	17	73
	577	00	30	21
	568	00	33	24
	575	00	10	90
	569	00	34	40
	570	00	34	94
	556	00	14	47
	540	00	13	58
	539	00	42	62
	538	00	03	68
	537	00	29	33
	536	00	63	59
	512	00	29	13
3) Navalakh-Umbre	760	00	21	25
	770	00	03	08
	771	00	01	88
	773	00	18	70
	772	00	00	36
	769	00	09	38
	768	00	02	23
	767	00	09	13
	766	00	00	57
	708	00	03	09
	707	00	15	69
	709	00	13	67
	720	00	06	61
	721	00	00	40
	719	00	03	50
	717	00	03	28

1	2	3	4	5
Navalakh-Umbre	718	00	04	80
	716	00	20	45
	560	00	01	64
	559	01	23	73
	556	00	61	14
	555	00	09	76
	577	00	39	42
	578	00	16	00
	579	00	05	47
	580	00	29	57
	581	00	17	07
	Government Land in Survey No. 580 (GL)	00	00	68
	465 (CL)	00	01	45
	463	00	29	82
	Government Land at Village Boundary (GL)	00	03	50
4) Amble	66	00	25	61
	67	00	19	92
	65	00	12	66
	64	00	13	33
	63	00	24	69
	62	00	54	15
	30	00	22	32
	32	00	30	94
	33	00	97	07
	26	00	78	39
	27	00	64	56
	22	00	48	90
	5/1	00	25	25
	5/2	00	25	25
	5/3	00	25	25
	6/1	00	56	77
	16/1	00	50	75
	16/2	00	19	05
	16/3	00	25	20
	15/1	00	09	68
5) Nigade	288	00	00	81
	287	00	42	71
	303	00	00	52
	295 (GL)	00	20	24
	296	01	00	72
	305	01	02	43
	306	00	16	35

1	2	3	4	5
Nigade (Contd...)	Nala between Survey No. 306 and 625 (CL)	00	06	96
	625	00	05	78
	486	00	58	63
	499	00	00	30
	487	00	03	10
	498	00	26	81
	497	00	32	29
	496	00	05	22
	508	00	37	77
	Road between Survey No. 306 and 508 (CL)	00	03	53
	509	00	53	57
	544	00	00	34
	543	00	20	20
	542	00	64	93
	554	01	01	25
	534	00	45	84
	555	00	03	37
	558	00	81	25
	557	00	35	00
	453	00	00	98
6) Pawalewadi	Government Land at Village Boundary (GL)	00	18	27
	13	01	06	49
	10	00	02	48
	12	00	18	91
	14	00	18	17
	15	00	53	36
	7	00	12	29
	16	00	45	64
	3	00	09	24
	21	00	42	43
	2	00	28	81
	1	00	52	10
7) Kalhat	258	00	59	62
	Nala between Survey No. 258 and 262 (CL)	00	33	33
	261	00	02	84
	262	00	25	58
	263	00	36	06
	470	00	53	83
	469	00	04	64
	484	00	65	41

1	2	3	4	5
Kalhat (Contd...)	485	00	53	47
	500	00	21	15
	Road in Survey No. 485 (CL)	00	03	33
	499	00	36	12
	512	00	12	56
	511	00	17	37
	510	00	20	57
	509	00	11	00
	513	00	36	21
	552	00	00	74
	553	00	41	26
	554	00	40	39
	558	00	45	40
8) Bhoyare	166	00	69	98
	Road between Survey No.165 and 16 (CL)	00	03	89
	16	00	29	40
	17	00	02	89
	18	00	56	44
	20 (GL)	00	65	93
	11	00	66	35
	6B	00	22	82
	6A	00	32	72
	5	00	10	78
	4	00	15	70
	528	00	56	36
	529	00	05	47
	525	00	21	56
	526	00	00	10
	524	00	14	42
	530	00	00	45
9) Kashal	180	00	25	10
	179	00	01	98
	181	00	93	44
	184	00	00	10
	210	00	06	37
	Road between Survey No. 210 and 209 (CL)	00	05	25
	209	00	34	60
	208	00	39	44
	207	00	25	66
	206	00	15	49
	205	00	02	46
	204	00	32	38

1	2	3	4	5
Kashal (Contd...)	202	00	03	59
	Nala between Survey No. 202 and 421 (CL)	00	07	29
	421	00	55	59
	422	00	11	09
	423	00	45	47
	424	00	34	15
	404	00	12	45
	403	00	54	26
	402	00	18	60
	400	00	09	70
	399	00	00	66
	383	00	59	48
	384	00	02	30
	390	00	46	06
	385	00	06	98
	391	00	39	44
10) Kivale	49	00	37	17
	48	00	17	63
	51	00	73	96
	52	00	29	06
	Road in Survey No. 52 (CL)	00	08	46
	53	00	95	14
	54	00	53	20
	55	00	17	48
	Nala in between Survey No. 55 and 142 (CL)	00	05	70
	Pond in Between Survey No. 55 and 142 (CL)	00	18	70
	142	00	12	56
	143	00	25	44
	144	00	19	31
	140	00	07	88
	139	00	15	22
	138	00	17	19
	137	00	30	77
	141	00	13	32
	Pond between Survey No. 141 and 134 (GL)	00	35	22
	134	00	11	45
	135	00	15	17
	133	00	47	18
	132	00	58	87
	131	00	22	33

1	2	3	4	5
Kivale (Contd...)	130	00	09	68
11) Ingalun	48	00	76	55
	47 (GL)	00	22	07
	39	00	02	35
	38	00	02	00
	36	00	32	65
	35	00	31	03
	Road in Survey No. 35 (CL)	00	03	96
	30	00	00	11
	29	00	06	98
	23	00	05	95
	25	00	12	50
	24	00	09	81
	21	00	02	33
	20	00	03	02
	18	00	01	00
	Pond in Survey No. 20, 330 and 18 (CL)	00	04	02
	330	00	23	48
	332	00	22	28
	325	00	06	43
	324	00	23	66
	111	00	49	55
	109	00	47	21
	128	00	25	59
	Nala in Survey No. 128 (CL)	00	03	52
	153	00	57	97
	152	00	05	52
	160	00	11	64
	159	00	51	60
	156	00	01	19
	158	00	38	31
	157	00	25	78
	163	00	07	04
	164	00	04	46
	167	00	29	26
	165	00	19	72
	247	00	59	40
	244	00	39	94
	Road in Survey No. 244 (CL)	00	03	35
	245	00	22	50
	240	00	00	10
	242	00	26	13
	238	00	17	16
	236	00	41	66
	227	00	03	58

1	2	3	4	5
Ingalun (Contd...)	Road in Survey No. 236 (CL)	00	00	27
12) Kunewadi	Road in Survey No. 48 (CL)	00	04	26
	48	00	62	58
	49	00	16	40
	115	00	21	78
	122	00	28	21
	121	00	40	18
	120	00	26	90
	148	00	05	39
	149	00	00	10
	150	00	29	48
	152	00	62	62
	Pond between Survey No. 172 and 173 (GL)	00	45	24
	Nala in Andhra Lake (CL)	00	07	45
	173	00	30	64
	175	00	83	10
	183	00	09	79
	4	01	11	98
13) Malegaon-khurd	Government Land at Village Boundary (GL)	00	75	80
	24	00	12	98
	23	00	08	74
	Road in Survey No. 12 (CL)	00	03	12
	12	00	03	92
	28	00	50	01
	Nala in Survey No. 28 (CL)	00	05	91
14) Pimpriwadi	Nala in Survey No. 126 (CL)	00	03	30
	126	00	86	77
	125	00	30	17
	123	00	39	53
	134	00	05	01
	135	00	26	43
	101	00	46	77
	Nala in Survey No. 100 (CL)	00	15	30
	100	00	38	61
	139	00	36	77
	140	00	45	97
	Nala in Survey No. 140 (CL)	00	07	80
	141	00	55	97
	142	00	68	97
	145	00	26	69
	144	00	00	30
	143	00	08	09
	169	00	00	75

1	2	3	4	5
Pimpriwadi (Contd...)	222	00	55	46
	171	00	00	83
	221	00	02	65
	215	00	35	72
	216	00	31	11
	220	00	39	15
	218	00	57	48
15) Mailegaon-budruk	109	00	20	40
	111	00	05	88
	110	00	01	21
	107	00	05	12
	106	00	74	38
	105 (CL)	00	40	60
	104	00	18	42
	103	00	50	19
	59	00	63	00
Pond between Survey. No. 59 and 51 (CL)		01	18	94
	51	00	13	87
	52	00	06	32
	55	00	00	10
	54	00	18	68
	178	00	12	40
	179	00	14	46
	184	00	10	43
	176	00	00	18
	182	00	15	02
	180	00	09	22
	181	00	18	32
	173	00	23	17
	172	00	23	08
	171	00	19	43
Government Land between Survey No. 171 and 165 (CL)		00	38	30
	165	00	77	55
	158	00	03	76
	159	00	55	41
16) Savale	51	00	47	45
	50	00	86	11
	52	00	01	20
	72	02	25	55
	97/3	00	59	49
	97/2	00	13	32

1	2	3	4	5
Savale (Contd...)	Road between Survey. No. 97/2 and 97/3 (CL)	00	04	82
	118	00	43	58
	97/4	00	14	96
	112	00	01	26
	114	00	03	02
	113	00	10	10
	120/1	00	80	54
	120/2	00	01	54
	106	00	00	40
	87/12	00	52	45
	120/3	00	50	94
	86	00	14	56
	122	00	00	99
	121	00	11	97
	120/10	00	45	76
	120/8	00	83	86
	156	00	22	91

[F. No. L-14014/50/2004-G.P.]
S. B. MANDAL, Under Secy.

नई दिल्ली, 28 अप्रैल, 2005

का. आ. 1607 .—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मुन्द्रा (गुजरात) से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा करती है:

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री. राम करण शर्मा, सक्षम प्राधिकारी, मुन्द्रा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन परियोजना, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, मकान संख्या -1418, सेक्टर - 6, बहादुरगढ़, जिला - झज्जर - 124507 (हरियाणा) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील: झज्जर		जिला: झज्जर		राज्य: हरियाणा		
गाँव का नाम	हदबस्त संख्या	मुसतिल संख्या	खसरा/ किला संख्या	श्रेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
1. लुहारी	250	34	25	00	00	70
		35	21	00	01	53
		37	17/2	00	00	41
		64	13	00	00	50
			18	00	00	48
		88	11	00	02	43
			21/1	00	00	60
		119	24/1	00	01	37
			24/2	00	00	60
		145	1/2	00	02	13
			11/3	00	00	34
		153	5/1	00	01	30
			7/1	00	00	68
			14	00	00	45
		167	3	00	00	63
		174	1/1	00	01	54
2. कुतानी	276	27	21	00	00	79
			326	00	01	00
		76	25	00	11	20
		86	24	00	03	13
3. दादरी तोए	275	41	9	00	00	41
		66	2	00	01	11
			499	00	00	60
		136	18/1	00	00	52
			22	00	03	46
4. बीड़ दादरी	271	40	3	00	01	48
5. बाहमनोला	270	18	24	00	00	33
		27	5/1/1	00	01	55
			95	00	04	23
			7/2	00	03	62
			23/2	00	00	25
		31	4	00	01	11
			7/2	00	00	35
		44	19	00	00	58
			22	00	00	33
		51	10/1	00	06	00
		60	23	00	02	65
		64	22/2	00	00	86
			23	00	00	48

तहसील: झज्जर		जिला: झज्जर		राज्य: हरियाणा		
गाँव का नाम	हदबस्त संख्या	मुसतिल संख्या	असरा/ किला संख्या	श्रेत्रफल		
				हेक्टेवर	एयर	वर्गमीटर
6. बाहमबोला (जारी...)	270	74	11	00	00	71
7. लाहपुर	86	3	19	00	05	14
			22	00	03	23
		10	16	00	00	32
		16	14	00	00	59
			17	00	04	18
			24	00	00	97
		27	18	00	00	35
		61	25	00	00	72
8. फैजाबाद उर्फ पाहसौर	87	18	14	00	00	84
		33	17	00	00	60
			287	00	00	88
		49	8	00	00	97
			12/1	00	00	63
			12/2	00	01	53

[फा. सं. आर-31015/36/2004-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 28th April, 2005

S. O. 1607.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Mundra (Gujarat) to Delhi, a pipeline should be laid by Hindustan Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule, may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Ram Karan Sharma, Competent Authority, Mundra - Delhi Petroleum Product Pipeline, Hindustan Petroleum Corporation Limited, H. No. 1418, Sector - 6, Bahadurgarh - 124507, District - Jhajjar (Haryana).

SCHEDULE

Tehsil : JHAJJAR		District : JHAJJAR			State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area			
				Hectare	Are	Square Metre	
1. LOHARI	250	34	25	00	00	70	
		35	21	00	01	53	
		37	17/2	00	00	41	
		64	13	00	00	50	
			18	00	00	48	
		88	11	00	02	43	
			21/1	00	00	60	
		119	24/1	00	01	37	
			24/2	00	00	60	
		145	1/2	00	02	13	
			11/3	00	00	34	
		153	5/1	00	01	30	
			7/1	00	00	68	
			14	00	00	45	
		167	3	00	00	63	
		174	1/1	00	01	54	
2. KUTANI	276	27	21	00	00	79	
			326	00	01	00	
		76	25	00	11	20	
		86	24	00	03	13	
3. DADRI TOE	275	41	9	00	00	41	
		66	2	00	01	11	

Tehsil : JHAJJAR		District : JHAJJAR		State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area		
				Hectare	Are	Square Metre
3. DADRI TOE (Contd...)			499	00	00	60
		136	18/1	00	00	52
			22	00	03	46
4. BIR DADRI	271	40	3	00	01	48
5. BAMANOLA	270	18	24	00	00	33
		27	5/1/1	00	01	55
			95	00	04	23
			7/2	00	03	62
			23/2	00	00	25
		31	4	00	01	11
			7/2	00	00	35
		44	19	00	00	58
			22	00	00	33
		51	10/1	00	06	00
		60	23	00	02	65
		64	22/2	00	00	86
			23	00	00	48
6. LADPURA	270	74	11	00	00	71
	86	3	19	00	05	14
			22	00	03	23
		10	16	00	00	32
		16	14	00	00	59
			17	00	04	18
			24	00	00	97
		27	18	00	00	35
		61	25	00	00	72
7. FAIZABAD ALIAS PASAOR	87	18	14	00	00	84
		33	17	00	00	60
			287	00	00	88
		49	8	00	00	97
			12/1	00	00	63
			12/2	00	01	53

[No. R-31015/36/2004-O.R.-II]
HARISH KUMAR, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 30 मार्च, 2005

का.आ. 1608.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-II के पंचाट (संदर्भ संख्या 119/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-3-2005 को प्राप्त हुआ था।

[सं. एल-20012/10/98-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 30th March, 2005

S.O. 1608.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 119/99) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of BCCL and their workman, which was received by the Central Government on 30-3-2005.

[No. L-20012/10/98-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. 2)
AT DHANBAD**

PRESENT:

SHRI B. BISWAS, Presiding Officer.

the matter of Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE No. 119/1999

PARTIES: Employer in relation to the management of Ram Kanali Colliery of M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman : Mr. N.G. Arun

On behalf of the management : Mr. H. Nath

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 17th March, 2005

AWARD

The Govt. of India, Ministry of Labour, in exercise of powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/IR (CM-I) dated, the 29th January, 1999.

SCHEDULE

"Whether the action of the management of Ram Kanali Colliery of M/s BCCL in dismissing Sri Jai Ram Monia M/Loader (on the ground of unauthorised absence from 4-3-1996 to 20-5-1996) w.e.f. 26/27-6-96 from the service of the company is justified? If not, to what relief is the workman entitled?"

2. The case of the concerned workman according to written statement submitted by the sponsoring union on his behalf in brief is as follows :

The sponsoring union submitted that the concerned workman was a minor/loader at Ram Kanali Colliery. They submitted that in course of his work he became patient with different diseases and for which his physical condition started deteriorating and for which he failed to attend his duty and the said fact of his sickness was duly reported to the management. They disclosed that after recovery he came to his place of work alongwith medical certificate of fitness and other medical papers for his treatment with a view to resume his duty. They alleged that management instead of giving any importance to those medical papers started domestic enquiry against him violating the principle of natural justice. They further alleged that the enquiry officer without making proper enquiry to the charges brought against him arbitrarily submitted his report holding him guilty to the charge brought against him by the management. They further alleged that the Disciplinary Authority also just relying on the report of the enquiry officer without giving him any opportunity to make his submission issued the order of dismissal against him illegally, arbitrarily and violating the principle of natural justice.

They submitted that an Industrial Dispute was raised by them before ALC(C) Dhanbad for conciliation as the management did not accede to their demand for reinstatement of the concerned workman to his service. The sponsoring Union accordingly, submitted prayer to pass award directing the management to reinstate the concerned workman to his service from the date of dismissal with full back wages and other consequential relief.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegation which the sponsoring union asserted in the written statement submitted on behalf of the concerned workman.

They submitted that the concerned workman was a permanent Miner/Loader of Ram Kanali Colliery. They disclosed that he started absenting himself from duty with effect from 4-3-96 without giving any intimation or taking prior permission from the competent authority. Accordingly, a charge sheet was issued to him vide No. RKC/PO/95-96/33 dated 10-4-96. After receipt of the said charge sheet he

submitted his reply but as the said reply was not found satisfactory, order was issued for holding domestic enquiry against him. They disclosed that for holding domestic enquiry Mr. S.N. Dubey, Personnel Manager was appointed as Enquiry Officer. They disclosed that Enquiry Officer conducted domestic enquiry against the concerned workman according to the rules of natural justice in which the concerned workman fully participated to defend his case.

They disclosed that as the Enquiry Officer found the charges against the concerned workman fully established he submitted his report holding him guilty to the said charges brought against him. They further submitted that the Disciplinary Authority considering the report and also all other materials dismissed him from service vide letter dated 27-6-96.

They disclosed that since the concerned workman was dismissed for unauthorised absence, any punishment short of dismissal would have encouraged the other workman of the colliery to indulge in such absentism which would have seriously affected the discipline and production of coal in the mines. Accordingly the punishment of dismissal was fully justified and for which he is not entitled to get any relief in view of his prayer.

In the circumstances they submitted prayer to pass award rejecting the claim of the concerned workman.

3. POINTS TO BE DECIDED

"Whether the action of the management of the Ram Kanali Colliery of M/s. BCCL in dismissing Sri Jai Ram Monia M/Loader (on the ground of unauthorised absence from 4-3-1996 to 20-5-1996) w.e.f. 26/27-6-96 from the service of the company is justified? If not, to what relief is the workman entitled?"

4. FINDING WITH REASONS

It transpires from the record that before taking up hearing of this case on merit it was taken into consideration as preliminary issue if domestic enquiry held against the concerned workman was fair proper and in accordance with the principle of natural justice. It is seen that the said issue on preliminary point was disposed of vide order No. 12 dated 10-6-2004 in favour of the management.

Now the point for consideration is if the management have been able to substantiate the charge brought against the concerned workman and if so whether concerned workman may be given with any relief under Section 11-A of the Industrial Dispute Act.

Considering the materials on record there is no dispute to hold that the concerned workman was a permanent Miner/Loader at Ram Kanali Colliery. It is the specific allegation of the management that the concerned workman without giving any intimation or taking any prior permission started remaining himself absent from duty from 4-3-96. Accordingly, they issued a charge sheet vide No. R.K.C./PD/95-96/33 dated 10-4-96 under Para 26 : 1 : 1 of the Certified Standing Order applicable to the employees of

the management. The said charge sheet during hearing was marked as Exht. M/1. By the said charge sheet he was directed to submit his reply within 48 hours on receipt of the same. It is fact that after receipt of the said charge sheet the concerned workman submitted his reply which also during hearing was marked as Exht. M/2. In the said reply he admitting his fault disclosed that owing to his serious illness he started remaining himself absent from duty without prior intimation to the management. He further submitted that he will submit relevant medical papers later on. It is seen that as the reply given by the concerned workman was not satisfactory. Disciplinary Authority appointed Enquiry Officer to hold domestic enquiry against him.

There is no dispute to hold that workman fully participated in course of hearing of the domestic enquiry conducted by the Enquiry Officer. The enquiry proceeding papers marked as exhibit M-5 will definitely support this claim. It is seen that the Enquiry Officer in course of hearing recorded statement of the concerned workman where he clearly admitting his fault of not informing the management before leaving his place of work disclosed that owing to his illness he left for his native village and remained under treatment of local medical practitioner for the period from 4-3-96 to 20-5-96 and in support of his claim he produced required medical papers before the Enquiry Officer.

The enquiry report submitted by the Enquiry Officer during hearing was marked as Exhibit M-6. The Enquiry Officer also in his report supported the claim of the concerned workman as discussed above. However, the Enquiry Officer found him guilty to charge under clause 26 : 1 : 1 of the Certified Standing Order. Considering the fact that he left the place of work without giving intimation or taking prior permission from the management. As per the said clause it will be amounted to misconduct, if a workman remains absent from duty without giving intimation or taking prior permission of the management. As violation of clause 26 : 1 : 1 of the Certified Standing Order amounts to misconduct the management was absolutely justified to issue charge sheet to the concerned workman. The concerned workman not only in his reply to the charge sheet but also in his statement which was recorded by the Enquiry Officer categorically admitted his guilt. Therefore, considering all aspects carefully I hold that in course of hearing management have been able to substantiate the charge brought against the concerned workman.

It is seen that the Disciplinary Authority considering the report submitted by the Enquiry Officer and also considering other material aspects dismissed the concerned workman from this service. The letter of dismissal during hearing was marked as Exht. M.7.

Now the point consideration is whether the order of dismissal passed by the Disciplinary Authority against the concerned workman was justified and proportionate to

the offence committed by him. If not, whether the concerned workman deserves to get any relief under Section II-A of the Industrial Dispute Act.

According to Section II-A of the I.D. Act. "Where an Industrial Dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court Tribunal or National Tribunal for adjudication and in the course of the adjudication proceedings, the Labour Court Tribunal or National Tribunal as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may be its award set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any severe punishment in lieu of discharge or dismissal as the circumstances of the case may require."

Therefore, as per provision of this section the prime factor which is to be considered here is whether the order of dismissal was justified in relation to the misconduct committed by a workman. Here in the instant case charge sheet was issued to the concerned workman for committing misconduct on the ground of his remaining unauthorised absence. The concerned workman did not deny this allegations but submitted that he was not aware about the provisions of the Certified Standing Order that prior permission is required before going on leave. He further disclosed that actually he was lying seriously ill and remained under treatment of the Doctor at his native village for which he did not get scope to work. From the enquiry proceeding papers it has been exposed that he produced relevant medical papers in relation to his treatment. Enquiry Officer in his report did not make any adverse remark against such claim of the concerned workman about his ailment and treatment. Accordingly I find no cogent ground to disbelieve the claim of the concerned workman that for the reason of his ailment he could not work.

The only misconduct which he committed is that he remained absent from duty without giving intimation or taking prior permission of the competent authority. The charge sheet (Exht. M-1) shows that the concerned workman was given 48 hours time to submit his reply as per clause 27:1 of the Certified Standing Order. As per this clause minor penalty is imposed upon the workman if charge of misconduct is established against him. What are the minor penalties that has been clearly mentioned in clause 29:1 of the Certified Standing Order. The order of dismissal comes under major penalties as provided under clause 29:1(ii) of the Certified Standing Order. For imposing major penalty as per clause 27:2 of the Certified Standing Order at least 7 days time should be given to the workman for his reply to the charge sheet. Here in the instant case with a view to impose minor penalty the Disciplinary Authority allowed the concerned workman to submit his reply within 48 hours as per clause 27:1 of the Certified Standing Order. The charge of misconduct when established the competent authority instead of imposing minor penalty passed the

order of dismissal which comes under major penalty as per provision of clause 29 : 1(ii) of the Certified standing Order which I consider is not only illegal and arbitrary but also it violated the principle of natural justice. It is true that concerned workman left his place of work without giving intimation or taking prior permission from the management. It is seen that owing to serious illness he remained himself absent from duty from 4-3-96 to 20-5-96, i.e. about 2 and half months and to that effect he submitted required medical papers which the Enquiry Officer in his finding did not deny. When a person was actually lying seriously ill and for that reason when he had no scope to work the Disciplinary Authority would consider his punishment holding compassionate view. In stead when the concerned workman deserved minor penalty management imposed major penalty on him. I therefore hold that order of dismissal was not only unjustified but it was absolutely disproportionate to the misconduct committed by him. Accordingly the order of dismissal is liable to be set aside and the concerned workman should be reinstated in service. However, he will not be entitled to get any back wages.

In the result the following award is rendered :

"That the action of the management of Ram Kanali Colliery of M/s BCCL in dismissing Sri Jai Ram Nonia, Miner/Loader from his service with effect from 26/27-6-96 on the ground of his unauthorised absence is unjustified. The order of dismissal of the above named workman vide letter dated 26/27-6-96 issued by the management of Ram Kanali Colliery is hereby set aside.

Management is directed to reinstate the concerned workman to his service within one month from the date of publication of the award in the Gazette of India and his seniority though will not be affected. He will not be eligible to claim any wages till the time limit given to the management for implementation of the award."

B. BISWAS, Presiding Officer

नई दिल्ली, 30 मार्च, 2005

क्रा.आ. 1609.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टिस्को के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 51/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-3-2005 को प्राप्त हुआ था।

[सं. एल-20012/399/99-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 30th March, 2005

S.O. 1609.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 51/2000) of the Central Government Industrial Tribunal/Labour

Court, Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of Tisco and their workman, which was received by the Central Government on 30-3-2003.

[No. L-20012/399/99-JR (C-I)]

S. S. GUPTA, Under Secy.

**ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. 2)
AT DHANBAD**

PRESENT : SHRI B. BISWAS, Presiding Officer

In the matter of Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 51/2000

PARTIES : Employer in relation to the management of Jamadoba Colliery of M/s Tisco and their workman.

APPEARANCES :

On behalf of the workman : Mr. B. N. Sharma

On behalf of the employer : Mr. D. K. Verma

State : Jharkhand Industry : Coal

Dated Dhanbad, the 17th March, 2005

AWARD

The Govt. of India Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/399/99-(C-I) dated, the 7th March, 2000.

SCHEDULE

"Whether the action of the management of Tisco in dismissing Sri Hira Lal from service w.e.f. 20-5-92 on ground of unfitness/absence and discharging him from service w.e.f. 2-12-94 on medical grounds after re-employing in fresh employment w.e.f. 19-1-93 is just, proper and legal? If not, to what relief is the workman entitled?"

2. The case of the concerned workman according to written statement submitted by the sponsoring union on his behalf in brief is as follows :

The sponsoring union submitted that the concerned workman was employed as Miner at Jamadoba Colliery under the management with effect from 2-5-86. He was thereafter dismissed from service with effect from 20-5-92.

They submitted that during the course of employment while working as Miner/Loader in the under ground he suffered from various diseases and was under treatment at Tata Central Hospital, Jamadoba. They disclosed that while he was under treatment he was allowed to perform hard duty

of Miner which he was unable to discharge for his illness. As a result frequently he had to remain absent from duty and taking the plea of such absent from duty management issued charge sheet to him which resulted dismissal from his service with effect from 20-5-92 illegally, arbitrarily and violating the principle of natural justice.

After the said illegal order of dismissal the concerned workman submitted representation to the management against the illegal order of dismissal and the sponsoring union took up his matter with the management and thereafter management agreed for his employment though both the union and the management were well aware that due to his physical incapacity he won't be able to continue his job. They submitted that though fresh employment was given to him on the ground of his ailment again he was discharged from his service on medical ground with effect from 2-12-94. The concerned workman, before he was discharged from service on medical ground, submitted representation to the management for providing him alternative job on surface but that was turned down.

They alleged that the action of the management was a calculated act of victimisation of the poor and helpless workman and they did so in gross violation of the welfare scheme which they follow for the interest of the workman.

Accordingly, sponsoring union submitted prayer to pass award directing the management to reinstate the concerned workman to his service setting aside the order of discharge w.e.f. 2-12-94 with full back wages and other consequential reliefs.

3. Management on the contrary after filling written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement submitted on behalf of the concerned workman.

They submitted that the concerned workman started absenting from his duty unauthorisedly and he was by nature a habitual absentee. Accordingly on the ground of unauthorised habitual absence he was dismissed from service w.e.f. 30-5-92.

After the said order of dismissal the sponsoring union took up his case for his reemployment and after considering the demand of the union fresh employment was given to him as Minor at Jamadoba Colliery w.e.f. 19-1-93.

Thereafter, the concerned workman started reporting sick w.e.f. May 1994 and finally he was referred to the Medical Board in the month of November, 1994 for ascertaining his fitness for employment. The Medical Board examined him on 23-11-94 and found him unfit for his original job. They submitted that relying on the report of the Medical Board the concerned workman was discharged from his service w.e.f. 2-12-94. They submitted that no employer can carry a person who is medically unfit and knowing fully well of this fact the sponsoring union after a lapse of five years raised the present Industrial Dispute which is a state dispute.

Accordingly, management submitted prayer to pass award rejecting the claim of the sponsoring union for reinstatement of the concerned workman to his service.

3. POINTS TO BE DECIDED

“Whether the action of the management of Tisco in dismissing Sri Hiralal from service w.e.f. 20-5-92 on ground of unfitness/absence and discharging him from service w.e.f. 2-12-94 on medical grounds after re-employing in fresh employment w.e.f. 19-1-93 is just, proper and legal? If not, to what relief is the workman entitled?”

4. FINDING WITH REASONS

It appears from the record that the sponsoring union in spite of getting ample opportunity did not consider necessary to adduce any evidence with a view to substantiate the claims of the concerned workman.

Management on the contrary in support of their claim examined one witness as M.W.1.

Considering the facts disclosed in the pleadings of both sides and also considering evidence of M.W.1 there is no dispute to hold that initially the concerned workman got his employment under the management at Jamadoba Colliery on 2-5-86 as Miner. It is also admitted fact that he was dismissed from his service w.e.f. 20-5-92. The allegation of the management is that he was in the habit of remaining himself absent from duty and for that reason he was dismissed from his service. On the other hand the contention of the sponsoring union is that due to occupational hazards he started suffering from various diseases and that compelled him to remain himself absent from duty. They further alleged that knowing fully well of this fact management illegally, arbitrarily, violating the principle of natural justice dismissed him from his service and for which they took up his matter with the management.

It is admitted fact that thereafter management again employed him as Miner/Loader at Jamadoba Colliery as fresh entrants w.e.f. 19-1-93. It is the contention of the management that w.e.f. May 1994 the concerned workman again started absenting from duty reporting himself sick. As a result they referred him to Medical Board for ascertaining his fitness for employment in the month of November 1994. The report of the Medical Board during evidence of M.W.1 was marked as Exhibit M-4.

The report of the Medical Board speaks as follows :—A case of seizure disorder which is an anti convulsants. The diagnosis and treatment has also been confirmed from TMH. He is to be under treatment for very long time. He is unfit for original job”.

Relying on the said report management discharged him from service on medical ground w.e.f. 2-12-94. The order of discharge during ground of M.W.1 was marked as Exhibit M.5 As per written statement it is the specific contention of the sponsoring union that the management

had the scope to provide any job on the surface and if it was so done in that case question of his discharge from service would not arise. Accordingly, it is their contention that management illegally, arbitrarily and violating the principle of natural justice discharged him from service.

Before taking into consideration of the fact if the medical report is looked into it will expose that prolong treatment was required for recovery of the ailment which he was not suffering from. Therefore, it is clear that it was not at all possible for him to work either on the surface or in the mines with such serious illness which he was suffering from. Moreover, when once he was declared medically unfit by the Medical Board it would not be considered proper to allow him to work with such serious illness. It is not the allegation of the sponsoring union that the Medical board in connivance with the management submitted any false report only to discharge the concerned Workman from service.

Moreover, no material evidence is forthcoming on the part of the sponsoring union that he has been fully cured for his ailment and absolutely fit to work to his original job. The sponsoring union submitted prayer for reinstatement of the concerned workman to his service but is not expected that a person who is declared medically unfit will be allowed to carry his job endangering his life.

Accordingly, on careful consideration of all the facts and circumstances I have failed to find out any material ingredient that management illegally, arbitrarily and violating the principle of natural justice discharged the concerned workman from his service and for which he is not entitled to get any relief in view of his prayer.

In the result the following award is rendered :

“The action of the management of Jamadoba Colliery of M/s Tisco in dismissing Sri Hiralal from service w.e.f. 20-5-92 on ground of unfitness/absence and discharging him from service w.e.f. 2-12-94 on medical grounds after re-employing in fresh employment w.e.f. 19-1-93 is just proper and legal. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 30 मार्च, 2005

का.आ. 1610. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बोबा एविएशन सर्विस (प्रा.) लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या 429/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-3-2005 को प्राप्त हुआ था।

[सं. एल-11012/115/98-आई आर (सी-1)]

एस. एस. गुप्ता, अवसर सचिव

New Delhi, the 30th March, 2005

S.O. 1610.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 429/2004) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of Bobba Aviation Service (P) Ltd. and their workman, which was received by the Central Government on 30-3-2005.

[No. L-11012/115/98-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 22nd February, 2005

PRESENT:

K. JAYARAMAN, Presiding officer

INDUSTRIAL DISPUTE No. 429/2004

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Bobba Aviation Services P. Ltd., G. S. A. Lufthansa Cargo Airlines and their workmen)

BETWEEN:

1. Sri K. Dhanasekaran : I Party/Petitioner
2. Sri K. Krishnamurthy

AND

1. Bobba Aviation services : II Party/Management
Pvt. Ltd., Chennai.
2. Lufthansa Cargo India,
Chennai.

APPEARANCE:

For the Petitioners : None
For the management : None

AWARD

The Central Government, Ministry of Labour vide Order No. L-11012/115/98-IR(C-I) dated 12-07-2004 has referred this industrial dispute to this Tribunal for adjudication. The schedule mentioned dispute in that order is :—

"Whether the management of M/s. Bobba Aviation Services (P) Ltd. G.S.A. Lufthansa Cargo Airlines is justified in terminating the services of Shri K. Dhanasekaran and Shri K. Krishnamurthy, if not to what relief are the workmen concerned entitled?"

2. After the receipt of the reference, it was taken on file as I. D. No. 429/2004 and notices were issued to both the parties and both sides. But both sides have not appeared

before this Court either through their advocates or by personal appearance. The second notice was also issued to concerned parties, but they never turned up. But, the 1st Respondent has sent a letter dated 15.2.2005 stating that the matter has been compromised and the Writ Petition filed by the Petitioners have also been withdrawn.

3. In these circumstances, the point for my consideration is—

"To what relief, the Petitioners are entitled?"

Point :—

4. Though the dispute was referred to this tribunal for adjudication, neither the petitioners nor the Respondents appeared before this Court to state their contention. On the other hand, the 1st Respondent has sent a letter stating that the matter has been compromised, even in the year 2002. Therefore, I find there is no point in keeping this industrial dispute pending for adjudication. Though two notices were sent to the Petitioners and Respondents, they have not appeared before this Court to state their contention. Under such circumstances, no relief award is passed in this Industrial dispute.

5. As such, I find the Petitioners are not entitled to any relief. No Costs.

6. The reference is disposed of accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 22nd February, 2005)

K. JAYARAMAN, Presiding Officer

नई दिल्ली, 30 मार्च, 2005

का.आ. 1611.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 78/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-3-2005 को प्राप्त हुआ था।

[सं. एल-20012/10/2000-आई आर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 30th March, 2005

S.O. 1611.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 78/2000) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of BCCL and their workman, which was received by the Central Government on 30-3-2005.

[No. L-20012/10/2000-IR (C-I)]

S. S. GUPTA, Under Secy

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. 2)
AT DHANBAD

PRESENT:

SHRI B. BISWAS, Presiding Officer.

In the matter of Industrial Dispute under Section 10(1)(d)
of the I.D. Act, 1947.

REFERENCE NO. 78/2000

PARTIES: Employer in relation to the management of
Kustore Colliery Kustore Area, BCCL and their
workman.

APPEARANCES:

On behalf of the workman : Ld. Advocate Mr. P. N.
Singh

On behalf of the employer : Ld. Advocate Mr. H. Nath
State : Jharkhand Industry : Coal

AWARD

Dhanbad, the 17th March, 2005

The Govt. of India, Ministry of Labour, in exercise of powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/10/2000-(C-I) dated, the 24th July, 2000.

SCHEDULE

“क्या कुस्तौर कोलियरी मैसर्स भारत कोकिंग कोल लिमि. के प्रबन्धन द्वारा कर्मचारी मो. गुलाम रब्बानी मैकेनिकल फिटर का उम्र जो कि लोदना कोलियरी के फार्म “बी” रजिस्टर में वर्ष 1949 में अंकित की गई थी को न मानते हुए उसकी उम्र पुनः निर्धारित करना संवैधानिक विधिक और न्यायिक दृष्टि से उचित सही एवं ठीक है ? यदि नहीं तो कर्मकार किन लाभों के हकदार हैं ?”

2. The case of the concerned workman according to written statment submitted by the sponsoring union on his behalf in brief is as follows:

The sponsoring union submitted that the concerned workman was employed at Lodna Colliery in the year 1969 as Fitter helper. They submitted that at the time of his entry in the service the date of birth of the concerned workman in the Form 'B' Register, which is a statutory register as per Mines Act, as 1949. While he was posted at Lodna Colliery management by order transferred him to Kustore (BNR) Colliery in the year 1976 on administrative ground. Accordingly, he joined there but unfortunately after 10 years of transfer he come to know from his service excerpt that his date of birth was 1945 and not 1949. Immediately he raised his protest and submitted representation to the management for rectification of his date of birth as per Form B Register but management did not pay any importance to his appeal. As a result through

sponsoring union he raised an industrial dispute before ALC (C) Dhanbad for conciliation which ultimately resulted reference to this Tribunal for adjudication.

Accordingly sponsoring union on behalf of the concerned workman submitted prayer to pass award directing the management to accept his date of birth as 1949 as per Form B Register.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement submitted on behalf of the concerned workman. They submitted that the concerned workman was posted to Kustore Colliery as Mechanical Fitter on his transfer from Lodna. They submitted that previously the date of birth of the concerned workman was not recorded in Form B Register of Kustore Colliery as nothing was communicated from Lodna Colliery at the time of his transfer. Accordingly they decided to assess the age of the concerned workman by the Apex Medical Board and the concerned workman accepting their decision appeared before the Apex Medical Board and the said Medical Board assessed the age of the concerned workman as 42 years as on 11-2-87. they submitted that as per J.B.C.C.I Circular No. 76 the age assessed by the Medical Board of the concerned workman is final and binding.

They submitted that in the year 1987 service excerpt was issued to the concerned workman wherein his age was mentioned as 42 years as on 11-2-87 and at that time the concerned workman did not raise any dispute in that regard.

They alleged that the sponsoring union knowing fully well that the age of the concerned workman was duly assessed by the Apex Medical Board arbitrarily raised an Industrial Dispute before ALC(C) challenging the age of the concerned workman duly assessed by the said Apex Medical Board which they submitted is not maintainable in the eye of law.

Accordingly management submitted prayer to pass award rejecting the claim of the concerned workman.

3. POINTS TO BE DECIDED

“क्या कुस्तौर कोलियरी मैसर्स भारत कोकिंग कोल लिमिटेड के प्रबन्धन द्वारा कर्मचारी मो. गुलाम रब्बानी, मैकेनिकल फिटर की उम्र जो कि लोदना कोलियरी के फार्म बी रजिस्टर में वर्ष 1949 में अंकित की गई थी को न मानते हुए उसकी उम्र पुनः निर्धारित करना संवैधानिक विधिक और न्यायिक दृष्टि से उचित सही एवं ठीक है ? यदि नहीं तो कर्मकार किन लाभों का हकदार हैं ?”

4. FINDING WITH REASONS

It transpires from the record that the sponsoring union with a view to substantiate their claim examined the concerned workman as W.W.1.

Management also in support of their claim examined three witnesses viz M.W.1 to M.W.3.

Considering the facts disclosed in the pleadings of both sides and also considering evidence or record I find no dispute to hold that the concerned workman got his employment at Lodna Colliery in the year 1969 as Fitter helper. It is also admitted fact that in the year 1976 concerned workman was transferred to Kustore Colliery as Mechanical Fitter. It is the contention of the management that as the date of birth of the concerned workman was not recorded in the Form B register of Kustore Colliery. It was decided to assess his age through Apex Medical Board for proper recording of his age in the Form-B Register of Kustore Colliery. Accordingly, as per decision of the management the concerned workman appeared before the Apex Medical Board for assessment of his age and the said Medical Board assessed the age of the concerned workman as 42 years as on 11-2-87. Thereafter in the same year, i.e., in the year 1987 they issued service excerpt to him wherein also his age was recorded as 42 years as on 11-2-87. It is their specific contention that age of the concerned workman was assessed by the Apex Medical Board based on J.B.C.C.I Circular No. 76.

It is clear that concerned workman joined Kustore Colliery in the year 1976 on transfer. Actually concerned workman got his initial appointment at Lodna Colliery in the year 1969 as Fitter helper. As per statutory provision not only the age of the worker but also his all particulars are required to be recorded in the Form-B Register by the management at the time of his appointment. It is the specific claim of the concerned workman that the time of his appointment his age along with other particulars was recorded in the Form-B Register of Lodna Colliery as 1949. M.W.3 during his evidence not only produced the identity card Register but also the Form-B Register of Lodna Colliery where the concerned workman joined on getting his appointment. Both the collieries, i.e., Lodna Colliery and Kustore Colliery are owned by BCCL though they belong to different area.

From the original Form B Register of Lodna Colliery it transpires that the name, age, and other particulars of the concerned workman had been recorded in Sl. No. 91437 Pages No. 64 Book No. 2 (Exht. -5). It transpires that date of birth of the concerned workman therein was recorded as 1949. It further transpires that the concerned workman put his LTI in the specified column of his register. It, therefore, speaks clearly that acknowledging correctness of the entries he put his LTI therein.

There is no dispute to hold that particulars of the workman are recorded in the identity card register based on the particulars recorded in his Form-B Register because of the fact that this register opens after joining of a workman. From the original identity card Register it appears that the name, age and other particulars of the concerned workman had been recorded in Sl. No. 91437 and that serial number

was considered as identity card no. of the concerned workman. From this register also the date of birth of the concerned workman was recorded as 1947.

It is fact that there is sign of harassment in the portion of the paper where the figure 1949 in the said register was written. The figure appears to be very distinct and there was no sign of interpolation therein. Moreover the said figure 1949 distinctly tallies with the figure recorded in his Form-B Register. Therefore, there is little scope to uphold the contention of the management that the figure 1949 as appearing in the identity card Register is an outcome of interpolation.

It is the contention of the management that as no age of the concerned workman was recorded in the Form-B Register maintained by Kustore Colliery they as per implementation instruction No. 76 JBCCI decided to hold his medical test through Apex Medical Board. Accordingly, medical test of the concerned workman was held by the Apex Medical Board and as per report of the said test he was 42 years old as on 11-2-87 from the evidence of M. W. 2 who was a member of the said Medical Board during his evidence disclosed that the concerned workman was examined clinically for assessment of his age and he signed the said report along with other members. Signature of M. W. 2 in the said report during his evidence was marked as Exht. M-3/2 while signature of the concerned workman was marked as Exht. M-3/5. The medical report itself during evidence of MW.1 was marked as Exht. M/3.

There is no dispute to hold that concerned workman got his initial appointment at Lodna Colliery in the year 1969 as Fitter Helper. As per Form-B Register of Lodna Colliery the date of birth of the concerned workman was recorded as 1949 (Exht.5). Concerned workman, it is admitted fact was transferred to Kustore Colliery in the year 1976. No satisfactory explanation on the part of the management is forthcoming why the column marked for recording age of the concerned workman in the Form-B Register of Kustore Area was unfilled up. (Exht. M-1). It is seen that not only the age column but all the columns viz. column 3 to 12 also have been left unfilled up. It was within absolute knowledge of the management that the concerned workman not being a new appointee joined at Kustore Area. They had all scope to call for service record of the concerned workman from Lodna Colliery where all official papers relating to his service record would be available. Instead of doing so just misconstruing the contents of J.B.C.C.I circular they arranged for medical test of the concerned workman for assessment of his age Clause B(II) of the said Circular speaks clearly that "Wherever there is no variation in records, such case will not be reopened unless there is a very glaring and apparent wrong entry brought to the notice of the management. The management after being satisfied on the merits of the case will take appropriate action for correction through Age Determination Committee/Medical Board.

"Clause 'C' speaks Age Determination Committee/Medical Board for the above will be constituted by the management. In the case of employees whose date of birth can not be determined in accordance with Procedure mentioned in (B) (i) (a) or (B) (i) (b) above, his date of birth recorded in the records of the company namely Form-B Register, CMPF Records and identity cards (untampered) will be treated as final. Provided that where there is a variation, in the age recorded in the records mentioned above, the matter will be referred to the Age Determination Committee/Medical Board constituted by the management for determination of age."

Here in the instant case no age dispute was raised by the concerned workman relying on which he was sent to Apex Medical Board for assessment of his age. Management ignoring the Form-B Register as well as Identity Card Register of Lodna Colliery wherein the age of the concerned workman was duly recorded forced him to face the Medical Board. The decision taken by the management was not only arbitrary but also illegal if clause 'C' of the JBCCI Circular No. 76 which has been referred to above is taken into consideration.

It is seen that the Medical Board without arranging ossification test just holding clinical test arrived into conclusion that the concerned workman was 42 years as on 11-2-87. Excepting ossification test as per medical juris-prudence there is no scope to ascertain the exact age of a person. Clinical test is nothing but an eye wash as it is not accepted by the Medical jurisprudence as the scientific method for determination of the age of a person.

Management just relying on the medical report based on clinical test in respect of the concerned workman ignored his age recorded in the Form-B Register and Identity Register of Lodna Colliery. Form B Register is a statutory Register and until and unless any sufficient reason is given there is no scope to ignore the veracity of the entries made therein. As the concerned workman after receipt of the service excerpt did not raise any dispute about his age recorded therein would not justify that the concerned workman has been estopped from raising his dispute relying on the age recorded in the Form-B Register of Lodna Colliery where he initially got his appointment. Both the collieries, i.e., Lodna Colliery and Kustore Colliery are owned by BCCL. It is not the case of the management that in connivance with the concerned workman the officials of Lodna Colliery recorded date of birth as 1949 in the Form-B Register.

Therefore onus absolutely is on the present management to establish that they were right to send the concerned workman before Apex Medical Board for assessment of his age. I find no hesitation to say that management have lamentably failed to justify their claim. I have already discussed about the medical report above. I am unable to accept the said report as the age of the concerned workman was not assessed based on scientific method.

As the Form-B Register is a statutory Register as per Mines Act. I find sufficient ground to accept the date of birth of the concerned workman recorded therein. Accordingly I hold that the date of birth of the concerned workman should be treated as 1949 as per Form-B Register of Lodna Colliery.

In the result the following award is rendered.

That management of Kustore Colliery was not justified in reassessing the age of Md. Gulam Rabbani Mechanical Fitter afresh ignoring his year of Birth recorded as 1949 in the Form-B Register of Lodna Colliery.

Management accordingly is directed to implement the award holding the year of birth of Md. Gulam Rabbani as 1949 recorded in the Form-B Register of Lodna Colliery within three months from the date of its publication in the gazette of India.

B. BISWAS, Presiding Officer.

नई दिल्ली, 30 मार्च, 2005

का.आ. 1612.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-I के पंचाट (संदर्भ संख्या 172/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-3-2005 को प्राप्त हुआ था।

[सं. एल-20012/251/96-आई आर (सी-1)]

एस. एस. गुप्ता, अव

New Delhi, the 30th March, 2005

S.O. 1612.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 172/97) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of BCCL and their workman, which was received by the Central Government on 30-3-2005.

[No. L-20012/251/96-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/S. 10(1)(d)(2A)
of the I.D. Act, 1947.

REFERENCE No. 172 of 1997

PARTIES: Employers in relation to the management of
Mohuda Area of M/s B.C.C.Ltd.

AND
their workman.

PRESENT :

SHRI S. PRASAD, Presiding Officer.

APPEARANCES:

For the Employers : Shri U.N. Lal, Advocate

For the Workmen : Shri S.C. Gaur,
Vice President, N.C.W.A.

State : Jharkhand Industry : Coal

Dated the 16th March, 2005

AWARD

By Order No. L-20012/251/96-IR(C-I) dated 13-10-1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-sec. (1) and Sub-Section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the General Manager, Mohuda Area No. II of M/s BCCL P.O. Mohuda in denying to refer Shri Moti Chand Chamar to the Apex Medical Board for the assessment of his age is justified? If not, to what relief is the workman entitled?”

2. Shri S.C. Gaur, Vice-President, National Coal Workers's Congress, appearing on behalf of the workman submits that the concerned workman, Moti Chand Chamar is not interested to proceed with the present case. In such circumstances, he prays for passing of a 'No Dispute' Award in this case.

3. Accordingly, I render a 'No Dispute' Award in the present industrial dispute.

S. PRASAD, Presiding Officer

नई दिल्ली, 30 मार्च, 2005

का.आ. 1613.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.बो.लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-I के पंचाट (संदर्भ संख्या 194/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-3-2005 को प्राप्त हुआ था।

[सं. एल-20012/330/96-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 30th March, 2005

S.O. 1613.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 194/97) of the Central Government Industrial Tribunal/Labour Court, Dhanbad, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of BCCL and their workman, which was received by the Central Government on 30-3-2005.

No. L-20012/330/96-IR(C-1)

S. S. GUPTA, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I,
DHANBAD**

In the matter of a reference U/S. 10(1)(d)(2A)
of the I.D. Act, 1947.

REFERENCE No. 194 of 1997

PARTIES : Employers in relation to the management of
Amlabad Colliery, under Bhowra Area of M/s
B.C.C.L.

Their Workman.

PRESENT :

SHRI S. PRASAD, Presiding Officer.

APPEARANCES:

For the Employers : Shri H. Nath, Advocate.

For the Workmen : Shri S.C. Gaur, Advocate

State : Jharkhand Industry : Coal.

Dated the 16th March, 2005

AWARD

By Order No. L-20012/330/96-IR(Coal-I) dated 20-11-97 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-sec. (1) and Sub-Section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the demand of the union for the reinstatement of Sh. Gobardhan Mochi claiming that his actual date of birth is 2-7-1948 is legal and justified? If so, to what relief is the workman entitled?”

2. Shri S.C. Gaur, appearing on behalf of the workmen submits that neither the sponsoring union nor the concerned workmen is interested to proceed with the present industrial dispute. He also prays for passing of a 'no dispute' award in this case.

3. Accordingly, I render a 'No Dispute' Award in the present industrial dispute.

S. PRASAD, Presiding Officer

नई दिल्ली, 30 मार्च, 2005

का.आ. 1614.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, डब्ल्यू. सी. एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी. जी. आई. टी./एल.सी./आर/46/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-03-2005 को प्राप्त हुआ था।

[सं. एल-22012/71/1994-आई आर (सीएम-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 30th March, 2005

S.O. 1614.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/46/94) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the Management of WCL and their workmen, received by the Central Government on 30-03-2005.

[No. L-22012/71/1994-IR (CM-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/46/94

SHRI C. M. SINGH, Presiding Officer

The General Secretary,
Lalzanda Coal Mines Mazdoor Union,
CITU, P.O. Damua,
Distt. Chhindwara Union/workman

VERSUS

The General Manager,
W. C. L. Kanhan Area,
P.O. Dungaria, Distt. Chhindwara. Management

AWARD

Passed on 15-3-2005

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/71/94-IR(C.II) dated 28-4-94 has referred the following dispute for adjudication by this Tribunal :

"Whether the action of the management of Manager, Nandan Mine No. II of Western Coal Fields Limited,

Kanhan Area is justified in not allowing duties to Shri Srichand S/o Shri Janak Lal helper from 17-1-92 to 23-4-92. If not, what relief the workman concerned is entitled?"

2. After the reference order was received, it was duly registered on 5-5-94 and notices were issued to the parties. In response of the notice, authorised representative of the workman for the first time put in appearance on 4-10-94 and thereafter the workman remained present on several dates fixed in the reference till 5-2-96. Thereafter he absented himself on several dates fixed in the case. Fresh notice was issued to the workman for his appearance. Lastly on 18-2-2005, Shri D. N. Tripathi, President of the Union, the authorised representative of the workman appeared. He submitted that he does not want to press this reference. He also made endorsement to the above effect on the margin of order sheet.

3. From the above, it appears that the workman has no interest in prosecuting the case. Under the circumstances, No Dispute Award is passed without any order as to costs.

4. The copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 30 मार्च, 2005

का.आ. 1615.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी. जी. आई. टी./एल.सी./आर/50/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-03-2005 को प्राप्त हुआ था।

[सं. एल-22012/104/2002-आई आर (सीएम-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 30th March, 2005

S.O. 1615.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/50/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the Management of SECL and their workmen, received by the Central Government on 30-03-2005.

[No. L-22012/104/2002-IR (CM-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

No. CGIT/LC/R/50/2004

SHRI C. M. SINGH, Presiding Officer

The President,
Samyukta Koyla Mazdoor Sangh (AITUC),
P.O. Jamuna Colliery,
Shahdol

.....Union/workman

VERSUS

The Sub Area Manager,
Amadand Sub Area of SECL,
P.O. Amadand, Shahdol

.....Management

AWARD

Passed on this 16th day of March, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/104/2002-IR(C.II) dated 21-5-2004 has referred the following dispute for adjudication by this Tribunal :

"Whether the action of the management of Sub Area Manager, Amadand Sub Area of Jamuna & Kotma Area in denying promotion to Shri S. P. Mishra to the post of Sr. Fabricator (W) in 1977, highly skilled category VI in 1980, in grade "C" in 1984, Grade "B" in 1987, Grade "A" in 1990 and consequently as Foreman Incharge in 1992 is legal and justified? If not, to what relief the concerned workman is entitled to?"

2. After the reference order was received, it was duly registered on 24-5-2004 and notices were issued to the parties. Lastly the notice was issued to the workman by registered post. This notice was received back with the endorsement of postal department that the address of the addressee is incomplete. I perused the record of this reference as well as the address mentioned on the postal envelope. The same address is mentioned in the postal envelope as is mentioned in the reference order. It is to be noted here that this case was registered on 24-5-2004, and since then on several dates, the notices have been issued to the workman. The workman neither cared to put in appearance nor to intimate this court the change of his address. It is clear from the above that the workman/Union has lost interest in the case and does not want to prosecute this reference.

3. Under the above circumstances, No Dispute Award is passed without any order as to costs.

4. The copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 30 मार्च, 2005

का.आ. 1613.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी. जी. आई. टी./एल.सी./आर/343/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-03-2005 को प्राप्त हुआ था।

[सं. एल-22012/243/99-आई आर (सीएम-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 30th March, 2005

S.O. 1616.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/343/99) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the Management of SECL and their workmen, received by the Central Government on 30-03-2005.

[No. L-22012/243/99-IR (CM-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

No. CGIT/LC/R/343/99

SHRI C. M. SINGH, Presiding Officer

The Secretary,
Rashtriya Koyla Khadan Mazdoor Sangh (INTUC),
Qtr. No. B/29, Indira Vihar Colony,
Bilaspur

.....Union/workmen

VERSUS

The Chairman Cum Managing Director,
South Eastern Coalfields Ltd.,
Seepat Road, Bilaspur (MP)

.....Management

AWARD

Passed on this 15th day of March, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/243/99-IR(CM.II) dated 22-11-99 has referred the following dispute for adjudication by this Tribunal :

"Whether the action of the management of SECL in not issuing free coal for domestic use or not reimbursing the cost of one LPG cylinder to their employee posted at Bilaspur-HQ is justified? If not, to what relief the workmen are entitled?"

2. After the reference order was received, it was duly registered on 13-12-99 and notices were issued to the parties. The order sheet dated 11-5-04 reveals that the case was taken up at camp court, Bilaspur. The notice for that date was issued to the workmen/Union by registered post and in spite of it no body put in appearance for workmen/Union. Thereafter again notice was issued to the workmen/Union by registered AD post for filing the statement of claim at camp court, Bilaspur on 23-2-2005. The order sheet dated 23-2-2005 reveals that the case was taken up at camp court, Bilaspur. The notice issued to the workmen/Union by registered AD post was received back un-served with the endorsement of postal department that the addressee does not reside at the given address. Since the date of registration of this case, several dates have been fixed in this case for filing statement of claim by workmen/Union. But the workmen/Union did not at all care to intimate this court regarding change of their address.

3. From the above circumstances, it is very clear that the workmen/Union have no interest in the case and they do not want to prosecute this reference. Under the circumstances, No Dispute Award is passed without any order as to costs.

4. The copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 30 मार्च, 2005

का.आ. 1617.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर (संदर्भ संख्या सी. जी. आई.टी./एल.सी./आर/ 26/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-03-2005 को प्राप्त हुआ था।

[सं. एल-22012/17/98-आई आर (सी एम-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 30th March, 2005

S.O. 1617.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/26/99) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the Management of SECL and their workman, received by the Central Government on 30-03-2005.

[No. L-22012/17/98-IR (CM-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/26/99

PRESENT:

Shri C. M. Singh, Presiding Officer

The Area General Secretary,
Rashtriya Koyla Khadan Mazdoor Sangh
(INTUC), C-121, Subhash Block, SECL,
PO Korba Colliery,
Distt. Bilaspur (MP) Union/workman

VERSUS

The Sub Area Manager,
SECL, Rajgamar Colliery,
P.O. Rajgamar,
Distt. Bilaspur,
Bilaspur (MP) Management

AWARD

Passed on 15th day of March, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/17/98-IR (CM-II) dated 14-12-98 has referred the following dispute for adjudication by this Tribunal :

“Whether the action of the management of SECL, Rajgamar Colliery, Distt. Bilaspur (MP) in removing from the services of Shri Govind Das, Ex. Loader is legal and justified? If not, to what relief the workman is entitled to?”

2. After the reference order was received, it was duly registered on 11-1-99 and notices were issued to the parties. In response of notice, the authorised representative of workman/Union put in an appearance, On 8-5-04, the date fixed in the reference the workman sought adjournment for filing statement of claim. Thereafter on several dates fixed in this reference, the workman absented himself. Again the notice was issued to the workman by Registered AD post. In spite of sufficient service of notice, the workman did not appear to file the statement of claim.

3. It appears from the above that the workmen has no interest in prosecuting this reference. Under the circumstances, No Dispute Award is passed without any order as to costs.

4. The copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 30 मार्च, 2005

का.आ. 1618.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. के प्रबंधन के

संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर (संदर्भ संख्या सी. जी. आई.टी./एल.सी./आर/ 39/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-03-2005 को प्राप्त हुआ था।

[सं. एल-22012/28/98-आई आर (सीएम-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 30th March, 2005

S.O. 1618.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/39/99) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the Management of SECL and their workman, received by the Central Government on 30-03-2005.

[No. L-22012/28/98-IR (CM-ID)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/39/99

PRESENT:

Shri C. M. Singh, Presiding Officer

The Asstt. General Secretary,
Rashtriya Koyla Khadan Mazdoor Sangh (INTUC),
C-121, Subhash Block, SECL,
P.O. Korba Colliery,
Distt. Bilaspur (MP)

.....Union/workman

VERSUS

The Sub Area Manager,
SECL, Rajgamar Colliery,
P.O. Rajgamar,
Distt. Bilaspur,
Bilaspur (MP)

.....Management

AWARD

Passed on 15th day of March 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/28/98-IR(CM.II) dated 24-29/12/98 has referred the following dispute for adjudication by this tribunal:

“Whether the action of the management of SECL, Rajgamar Colliery, Distt. Bilaspur (MP) in terminating the services of Shri Dharmadas S/o Shri Ganesh Das, Ex. Pump Khalasi of 6-7 Inclines of Rajgamar Colliery (SECL) w.e.f. 14-5-90 is justified? If not, to what relief the workman is entitled to?”

2.. After the reference order was received, it was duly registered on 11-1-99 and notices were issued to the parties. Lastly the notice was issued to the workman by registered AD post. Inspite of sufficient service of notice, the workman did not appear to file the statement of claim.

3.It appears from the above that the workmen does not want to prosecute this reference. Under the circumstances, No Dispute Award is passed without any order as to costs.

4. The copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 30 मार्च, 2005

का.आ. 1619.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर (संदर्भ संख्या सी. जी. आई.टी./एल.सी./आर/ 127/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-03-2005 को प्राप्त हुआ था।

[सं. एल-22012/171/98-आई आर (सीएम-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 30th March, 2005

S.O. 1619.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/127/99) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the Management of SECL and their workman, received by the Central Government on 30-03-2005.

[No. L-22012/171/98-IR (CM-ID)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/127/99

PRESENT:

Shri C. M. Singh, Presiding Officer

The Secretary,
Koyla Mazdoor Sabha (UTUC),
At & P O Dhanpuri,
Distt. Shahdol (MP)

..... Union/workman

VERSUS

The Sub Area Manager,
Amlai Chachai of SECL,
PO Amlai,
Distt. Shahdol (MP)

..... Management

AWARD

Passed on this 16th day of March, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/171/98-IR(CM-II) dated 23-03-99 has referred the following dispute for adjudication by this tribunal:

“Whether the action of the management of Amlai Sub Area of SECL in not regularising Shri Loknath Verma as clipman is justified? If not, to what relief the workman is entitled?”

2. After the reference order was received, it was duly registered on 1-4-99 and notices were issued to the parties. Lastly the notice was issued to the workman by registered AD post. In spite of sufficient service of notice, the workman did not care to put in appearance and to file the statement of claim. This clearly indicates that the workman has no interest in the case and does not want to prosecute this reference.

3. Under the above circumstances, No Dispute Award is passed without any order as to costs.

4. The copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 30 मार्च, 2005

का.आ. 1620.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी. जी. आई.टी./एल.सी./आर/ 250/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-03-2005 को प्राप्त हुआ था।

[सं. एल-22012/381/98-आई आर (सीएम-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 30th March, 2005

S.O. 1620.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/250/99) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the Management of SECL and their workman, received by the Central Government on 30-03-2005.

[No. L-22012/381/98-IR (CM-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

No. CGIT/LC/R/250/99

PRESENT:

SHRI C. M. SINGH, Presiding Officer

The President,
M. P. Koyla Shramik Sabha (HMS),
Naveen Nagar,
PO Amlai colliery,
Distt. Shahdol (MP) ... Union/workman

VERSUS

The Sub Area Manager,
Sarda O.C.M. of SECL,
PO Amlai Paper Mill,
Distt. Shahdol (MP) ... Management

AWARD

Passed on 17th day of March, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/381/98-IR(CM-II) dated 7-7-99 has referred the following dispute for adjudication by this tribunal :

“Whether the action of the Sub Area Manager of SECL Sharda Opencast Mines, PO Amlai Paper Mill, Distt Shahdol in not promoting Shri Iqbal Khan from Auto Fitter category VI to Asstt. Supervisor (Transportation T & S Gr. 'C' is legal and justified? If not, to what relief the workman concerned is entitled?”

2. After the reference order was received, it was duly registered and notices were issued to the parties. Lastly the notices were issued to the workman by registered AD post. In spite of sufficient service of notice, the workman/ Union failed to put in appearance and to file the statement of claim. It clearly indicates that the workman has no interest in prosecuting this reference.

3. Under the above circumstances, No Dispute Award is passed without any order as to costs.

4. The copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 30 मार्च, 2005

का.आ. 1621.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी. जी. आई.टी./एल.सी./आर/ 130/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-03-2005 को प्राप्त हुआ था।

[सं. एल-22012/173/98-आई आर (सी एम-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 30th March, 2005

S.O. 1621.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/130/99) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the Management of SECL and their workman, which was received by the Central Government on 30-03-2005.

[No. L-22012/173/98-IR (CM-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

No. CGIT/LC/R/130/99

PRESENT:

SHRI C. M. SINGH, Presiding Officer

The Area President,

M. P. Keyla Mazdoor Sabha (HMS),

Naveen Nagar, PO Amlai,

Distt. Shahdol (MP)

... Union/workman

Versus

The Sub Area Manager,

Amlai & Chachai Sub Area of SECL,

Sohagpur Area, PO Amlai,

Distt. Shahdol

... Management

AWARD

Passed on this 16th day of March, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/173/98-IR(CM-II) dated 22-03-99 has referred the following dispute for adjudication by this tribunal :

“Whether the action of the Sub Area Manager Amlai and Chachai Sub Area of SECL, Sohagpur Area for non regularisation of Shri Bhikam as clerk is legal and justified? If not, to what relief the workman is entitled?”

2. After the reference order was received, it was registered on 1-4-99 and notices were issued to the parties. Lastly notices were issued to the workman by registered AD post which were served personally on the workman/ Union. In spite of sufficient service of notice, the workman/ Union failed to put in appearance and file statement of claim. This clearly indicates that the workman/ Union has no interest in prosecuting this reference.

3. Under the circumstances, No Dispute Award is passed without any order as to costs.

4. The copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 30 मार्च, 2005

का.आ. 1622.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी. जी. आई.टी./एल.सी./आर/ 76/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-03-2005 को प्राप्त हुआ था।

[सं. एल-22012/392/95-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 30th March, 2005

S.O. 1622.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/76/99) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the Management of SECL and their workman, which was received by the Central Government on 30-03-2005.

[No. L-22012/392/95-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

No. CGIT/LC/R/76/96

PRESENT:

SHRI C. M. SINGH, Presiding Officer

Shri Mohan Singh,

S/O Lahuva,

Gram Harand, Post Jamuna,

Distt. Shahdol (MP)

... Workman

VERSUS

The General Manager,

Jamuna & Kotma Area of SECL,

Post Jamuna Colliery,

Distt. Shahdol (MP)

... Management

AWARD

Passed on 17th day of March, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/392/95-IR(C-II) dated 13-03-96 has referred the following dispute for adjudication by this tribunal :

“Whether the action of the Suptd. Of Mines/ Manager, Kotma Colliery of Jamuna & Kotma areas of SECL, in dismissing Shri Mohan Singh, Loader, T. No. 1500 w.e.f. 20-1-90 is legal and and justified? If not, what relief the workman is entitled?”

2. After the reference order was received, it was duly registered on 18-3-96 and notices were issued to the parties. Lastly the notice was issued to the workman by registered AD post, which was received back with the endorsement of postal department that the address of the addressee is incomplete. I perused the reference order as well as the address written on the postal envelope. The same address is written on the postal envelope which is mentioned in the reference order. This reference order was registered in the year 1996. Several dates were fixed for filing statement of claim by the workman but the workman did not care to put in appearance or to file the statement of claim. It clearly indicates that the workman has no interest in this case and he does not want to prosecute this reference.

3. Under the above circumstances, No Dispute Award is passed without any order as to costs.

4. The copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 30 मार्च, 2005

का.आ. 1623.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर (संदर्भ संख्या सी. जी. आई.टी./एल.सी./आर/ 110/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-03-2005 को प्राप्त हुआ था।

[सं. एल-22012/365/95-आई आर (सी एम-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 30th March, 2005

S.O. 1623.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/110/96) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the Management of SECL and their workman, which was received by the Central Government on 30-03-2005.

[No. L-22012/365/95-IR (CM-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/110/96

PRESENT:

Shri C. M. Singh, Presiding Officer

The President,
M.P. Koyla Shramik Sangh (CITU),
Area Head Office,
Post West Chirimiri Colliery,
Distt. Surguja (MP)

.....Workman/Union

VERSUS

The General Manager,
Chirimiri Area SECL,
Post West Chirimiri Colliery,
Distt. Surguja (MP)

.....Management

AWARD

Passed on this 16th day of March, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/365/95-IR (CM.II) dated 29-03-96 has referred the following dispute for adjudication by this Tribunal :

“Whether the action of the General Manager, Chirimiri Area of SECL, in denying extra wages and relevant benefits to the Monthly Rated Staff posted at G. M. Office for paid holidays falling on Sunday or weekly day of rest is legal and justified? If not, what relief the workmen are entitled?”

2. After the reference order was received, it was duly registered on 15-4-96 and notices were issued to the parties. The order sheet dated 6-2-04 indicates that on the said date, the case was taken up at camp court, Bilaspur and on this date, the workmen/Union did not put in appearance and failed to file statement of claim in spite of sufficient service of notice on them. Therefore on the said date, the management was directed to file WS by the next date, Thereafter a few more dates were fixed in the reference for filing WS by the management but the management failed to file WS. It shall be worthwhile to mention here that since 6-2-04, the case was proceeding exparte against the workmen/ union. The order sheet dated 2-3-05 indicates that on this date fixed in the case, no one was present for the workmen and Shri A. K. Shashi, Advocate was present for the management. On this date too, the management failed to file WS. Thus in this case, in spite of several opportunities awarded to the parties, they failed to file their respective statements of claim. It clearly means that the workmen/ Union as well as the management have no interest in the reference and they do not want to prosecute this reference.

3. Under the above circumstances, No Dispute Award is passed without any order as to costs.

4. The copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 30 मार्च, 2005

का.आ. 1624.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर (संदर्भ संख्या सी.जी.आई.टी./एल.सी./आर/245/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-03-2005 को प्राप्त हुआ था।

[सं. एल-22012/389/1997-आई. आर. (सीएम-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 30th March, 2005

S.O. 1624.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. CGIT/LC/R/245/98) of the Central Government Industrial Tribunal-cum-Labour Court Jabalpur as shown in the Annexure, in the Industrial Dispute between the management of SECL and their workman, received by the Central Government on 30-03-2005.

[No. L-22012/389/1997-IR (CM-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

No. CGIT/LC/R/245/98

SHRI C. M. SINGH, Presiding Officer

The Secretary,
M. P. Koyla Mazdoor Sabha (HMS),
Br. Gevra project, PO Gevra,
Distt. Bilaspur (MP)

...Union/workmen

Versus

The Chief General Manager,
SECL Gevra Area, PO Gevra Project,
Distt. Bilaspur (MP)

...Management

AWARD

Passed on this 15th day of March, 2005

1. The Govt of India, Ministry of Labour vide its Notification No. L-22012/389/97/IR(CM-II) dated 11-11-98 has referred the following dispute for adjudication by this tribunal :

“Whether the action of management of SECL, Gevra Area, Distt. Bilaspur (MP) in deducting Rs. 30/- per month from the salaries of employees is justified ? If not, what relief the workers are entitled to ?”

2. After the reference order was received, it was duly registered on 23-11-98 and notices were issued to the parties. The order sheet dated 11-5-04 reveals that at camp court, Bilaspur, no body appeared for workmen/Union.

Instead an application was moved on behalf of workmen/ Union requesting therein that the Union does not want to pursue the case. Thereafter no one appeared on several dates for workmen/Union and lastly on 22-2-05, the case was taken up at camp court, Bilaspur. The authorised representative of the workmen and Shri A. K. Shashi, Advocate for the management submitted before the court that the dispute has been compromised between the parties and now there exists No. dispute between them. It was prayed from both the side that the reference be closed and award be passed accordingly.

3. It is very clear from the above that the parties are not interested in prosecuting this reference as no dispute is left between them. Under the circumstances, No Dispute Award is passed without any order as to costs.

4. Copy of the award be sent to the Government of India, Ministry of labour as per rules.

C. M. SINGH, Presiding Officer.

नई दिल्ली, 30 मार्च, 2005

का.आ. 1625.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर (संदर्भ संख्या सी.जी.आई.टी./एल.सी./आर/9/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-03-2005 को प्राप्त हुआ था।

[सं. एल-22012/409/1997-आई. आर. (सीएम-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 30th March, 2005

S.O. 1625.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. CGIT/LC/R/9/99) of the Central Government Industrial Tribunal-cum-Labour Court Jabalpur as shown in the Annexure, in the Industrial Dispute between the management of SECL and their workman, received by the Central Government on 30-03-2005.

[No. L-22012/409/1997-IR (CM-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/9/99

SHRI C. M. SINGH, Presiding Officer

The Area General Secretary,
Rashtriya Koyla Khadan Mazdoor Sangh (INTUC),
C-121, Subhash Block, SECL,
PO Korba colliery,

Distt. Bilaspur (MP)

...Union/workmen

Versus

The Sub Area Manager,

SECL Rajgamar Colliery, PO Rajgamar,

Distt. Bilaspur, Bilaspur (MP)

...Management

AWARD

Passed on this 15th March, 2005

1. The Govt of India, Ministry of Labour vide its Notification No. L-22012/409/97/IR(C-II) dated 27-11-98 has referred the following dispute for adjudication by this tribunal :

“Whether the action of management of SECL, Rajgamar Colliery Distt. Bilaspur (MP) in terminating the services of Shri Kishnu Lal, S/o Thomaram, Ex. Loader of 6-7 Incline w.e.f. 19/20th April 1995 is justified ? If not, to what relief is the workman entitled to ?”

2. After the reference order was received, it was duly registered on 11-1-99 and notices were issued to the parties. In response of the notice, authorised representative for the workman put in appearance on 8-5-04 and sought adjournment for filing statement of claim. Thereafter the workman absented himself on several dates fixed in the reference. Again the notice was issued to the workman by registered AD post. In spite of sufficient service of notice, the workman did not appear to file the statement of claim.

3. It appears from the above that the workman has no interest in prosecuting this reference. Under the circumstances, No Dispute Award is passed without any order as to costs.

4. The copy of the award be sent to the Government of India, Ministry of labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 30 मार्च, 2005

का.आ. 1626.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर (संदर्भ संख्या सी.जी.आई.टी./एल.सी./आर/222/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-03-2005 को प्राप्त हुआ था।

[सं. एल-22012/248/1998-आई. आर. (सीएम-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 30th March, 2005

S.O. 1626.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. CGIT/LC/R/222/99) of the Central Government Industrial Tribunal-cum-Labour Court Jabalpur as shown in the Annexure, in

the Industrial Dispute between the management of SECL and their workman, received by the Central Government on 30-03-2005.

[No. L-22012/248/1998-IR (CM-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

No. CGIT/LC/R/222/99

SHRI C. M. SINGH, Presiding Officer

The Secretary,
I.N.M.O.S.S.A, B-74,
PO Jamuna colliery,
Distt. Shahdol (MP)

...Union/workmen

Versus

The General Manager,
Jamuna & Kotma Area of SECL,
P.O. Jamuna Colliery
Distt. Shahdol (MP).

...Management

AWARD

Passed on this 16th day of March, 2005

1. The Govt. of India, Ministry of Labour vide its Notification No. L-22012/248/98/IR(CM-II) dated 26/27-5-99 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the General Manager Jamuna and Kotma Area of SECL, PO Jamuna Colliery, Distt. Shahdol (MP) in giving notional seniority without the monetary benefits to the 21 workmen (list enclosed) is legal and justified ? If not, to what relief are the workmen entitled ?”

2. After the reference order was received, it was duly registered on 14-6-99 and notices were issued to the parties. Lastly notice was issued to the workmen/Union by registered post. This notice was received back with the endorsement of Postal department that the address of the addressee is incomplete. I peruse the record of this reference as well as the envelope sent by registered post. The same address is written on the postal envelope as is mentioned in the reference order.

3. This reference was registered in the year 1999 and since the, the workmen/Union did not care to put in appearance and file the statement of claim. Workmen/Union did not care to intimate this court the change of the address if any. Under the circumstances, it is very clear that the workmen/Union donot want to prosecute this reference.

4. Under the above circumstances, No Dispute Award is passed without any order as to costs.

5. The copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 31 मार्च, 2005

का.आ. 1627.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलोर के पंचाट (संदर्भ संख्या 2004-05/89) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-3-2005 को प्राप्त हुआ था।

[सं. एल-12012/122/2000-आई. आर. (बी.-II)]

सौ. गंगाधरण, अवर सचिव

New Delhi, the 31st March, 2005

S.O. 1627.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2004-05/89) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the Industrial Dispute between the Employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 31-3-2005.

[No. L-12012/122/2000-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,**

“SHRAMSADAN”,

III MAIN, III CROSS, II PHASE, TUMKUR ROAD, YESHWANTHPUR, BANGALORE-560 022.

Dated : 9th March, 2005

PRESENT:

SHRI A. R. SIDDIQUI, Presiding Officer

C. R. No. 73/00

IPARTY

Smt. G. Sharada Bai,
W/o V. Anbalagan,
No. 15, 1st Cross,
Munikallappa Block,
M. S. Nagar,
Bangalore-560033

IIPARTY

The Deputy General Manager,
Canara bank,
Circule Officer,
86-MG, Road,
Bangalore-560001

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/122/2000/IR(B-II) dated 18-10-2000 for adjudication on the following schedule :

SCHEDULE

“Whether the action of management of Canara Bank is justified in treating the services of Smt. G. Sharada

Bai as Compulsorily retired w.e.f. 28th October 1998? If not, what relief she is entitled to?”

2. The case of the first party on merits (pleadings with regard to Domestic Enquiry are omitted, there being a separate finding on this issue) in brief is that she has been performing her duties honestly with due diligence and has got blemish less service record except for a minor penalty imposed on her during the year 1990; that while she was working at Vivekanand Nagar Branch of the Second Party at Bangalore, disciplinary action was taken against her by issuing a charge sheet dated 9-6-97 on the allegations that on 18-9-96 when she was working as a cashier, an amount of Rs. 14,981 was remitted to the current account No. 253 of M/s. Mariam Nivas School but she has accounted only for Rs. 14,581 and thereby misappropriated a sum of Rs. 400 and on 27-10-96 she has made good the above said amount and that on 5-10-96 while she was working as Cashier did not account for Rs. 10,000 credited to SB Account No. 2353 in the cash book and when this fact was brought to her notice she remitted the amount of Rs. 10,000 on 8-10-96 and thereby she committed gross misconduct of misappropriation under the Canara Bank Service Code. At para 5 of the claim statement she averred as under :—

That so far as the charge pertaining to M/s. Mariam Nivas School is concerned, every day large number of challans pertaining to the fee collected from the students is brought to the Bank and deposited. Having regard to the large number of challans and small and odd amounts of each of these challans there was a mistake of Rs. 400 in totaling and the actual cash received by the first party was only Rs. 14,581. Even the checking official in the bank who had a duty to check and bring any mistake to the notice of the first party had confirmed the amount as Rs. 14,581. When the mistake was brought to the notice of the first party, she had volunteered to make up the loss. There was neither any misappropriation nor any other offence committed by the first party. So far as the second charge is concerned, it is submitted that there was a bonafide error on 5-10-1996 due to heavy rush of work. At the end of the day the cash was tallied which was confirmed by the controlling officers. Thereafter the first party left the Branch. It was only on 8-10-96 after the Bank hours when the first party was at home attending to her sick child, the Branch Manager telephoned her and told that there was a cash shortage of Rs. 10,000. The first party immediately rushed to the Branch and on finding out that there is a cash shortage of Rs. 10,000 she paid up the amount and has not misappropriated it. At para 8, she contended that the Enquiry Officer submitted the findings dated 28-11-97 holding her guilty of both the charges and the representation made by her to the Disciplinary Authority against the findings was rejected and she was dismissed from service by his order dated 21-3-1998. In her appeal against the dismissal order, the Appellate Authority

modified the punishment of dismissal to one of Compulsory Retirement. At para 10 she contended that grave injustice has been caused to her as he has got another 16 years of service and that the punishment imposed on her is disproportionate to the charges leveled against her. It is a measure of victimization and unfair labour practice and therefore, the punishment is liable to be set aside.

3. The Management by its Counter Statement with regard to the charge No. 1 contended that the first party was working as a Cashier on 18-9-96, received an amount of Rs. 14981 was remitted to the Current Account No. 253 of M/s. Mariam Nivas School, but she accounted for only Rs. 14581 instead of Rs. 14981 and thereby misappropriated a sum of Rs. 400 pertaining to the customer. When this fact was brought to her notice she contacted the customer on 27-10-1996 and made good the amount which she had misappropriated on 18-9-96.

4. With regard to Second Charge the management contended that on 5-10-96 the first Party working as a Clerk in the SB Department was to pass a withdrawal order from draw on SB Account No. 2383 for Rs. 10,000 and as there was no balance in SB Account, Smt. Datchayani did not pass the same. However, the first party then brought a credit challan for Rs. 10,000 for the said SB Account in which 'cash received' seal was already affixed with her signature as a Cashier and requested Smt. Datchayani to make entries in the SB Ledger and pass the withdrawal order form for Rs. 10,000. The first party had directly brought the credit slips for posting the same in the SB Ledger Sheet and the same was not entered in the cash chest. On verification of cash chest was found that the alleged credit of Rs. 10,000 on 5-10-96 was not entered in the cash scroll/cash waste and it was found that said credit slip was prepared and signed by the first party without any corresponding cash remittance. On 6-10-96 the branch observed after verification of the records that an amount of Rs. 10,000 alleged to have been credited on 5-10-96 to the said account Number was not accounted for in the Cash Books of the account and when this fact was brought to the notice of the first party she remitted Rs. 10,000 on 8-10-96 to make good the loss. Therefore, by her above action, the first party misappropriated the funds of Rs. 400 and Rs. 10,000 and thereby committed gross misconduct within the meaning of Chapter XI, Regulation 3 clause (j)&(m) of Canara Bank Service Code. The management further contended that thereupon a detailed investigation was done in the case and having found prima facie case against the first party, a Domestic Enquiry was conducted against her and on the basis of the Domestic Enquiry findings holding the first party guilty of the charges, the Disciplinary Authority imposed the penalty of dismissal and on an appeal preferred by the first party, punishment of dismissal was replaced by an order of Compulsory Retirement. Therefore, the management contended that the misconduct committed by the first party being grave in

nature, the punishment given by way of Compulsory Retirement is very much proportionate and in commensurate to the charges of misconduct committed by the first party and therefore, need not be interfered at the hands of this Tribunal.

5. Keeping in view the respective pleadings of the parties with regard to fairness and validity or otherwise of the enquiry proceedings, Domestic Enquiry issue was taken up in the first instance and during the course of trial of the said issue, the management as well as the first party adduced their oral and documentary evidence.

6. After hearing the learned counsels for the respective parties, this court by its order dated 24-12-2004 recorded the finding on the said issue holding that the enquiry conducted against the first party by the Second party was fair and proper. Thereupon learned counsels for the respective parties have been heard on merits of the case as well as on the point as to whether the enquiry findings suffered from any perversity and that punishment of Compulsory Retirement was justified or not.

7. Learned Counsel for the first party, vehemently, argued that the case on hand was a case of shortage of the fund and not the case of misappropriation of the funds as alleged by the management. Therefore, learned counsel submitted that the punishment of dismissal was not proportionate to the gravity of the charge of misconduct namely shortage of the funds which at the most amounts some negligence on the part of the first party in discharging her duties. Learned counsel further submitted that as soon as the shortage of sum of Rs. 400 as per first charge and shortage of Rs. 10,000 as per Second Charge was brought to the notice of the first party, she immediately made good of the amount in question and that shows that she had no intention to misappropriate the funds belonging to the bank. He further submitted that there was no case made out against the first party to suggest that she misappropriated the said amount so to cause unlawful gain to herself and unlawful loss to the management bank.

8. Learned counsel for the Second Party on the other hand argued that voluminous oral and documentary evidence was brought on record during the course of enquiry to suggest that the first party in fact misappropriated the funds belonging to the management bank and based on the above said evidence, sufficient and valid reasonings have been assigned by the Enquiry Officer in holding the first party guilty of the charges of misconduct and therefore, it cannot be said that findings of the Enquiry Officer in any way suffered from perversity. On the point of quantum of punishment, learned counsel submitted that the Appellate Authority has already taken lenient view by replacing the punishment of dismissal by an order of Compulsory Retirement and therefore, keeping in view the gravity of the misconduct committed by the first party and so also taking into consideration the fact admitted by the

first party herself that she had been punished earlier to this also for similar misconduct.

9. After having gone through the records, I find substance in the arguments advanced by the Second Party. Keeping in view the finding of the tribunal holding the Domestic Enquiry proceedings to be fair and proper, a very short question not to be gone into would be as to whether the findings of the Enquiry Officer suffered from any perversity. It is very interesting to note that nowhere in the Claim Statement the first party even whispered that the findings of the Enquiry Officer suffered from any perversity. No case was made out in the Claim Statement as to why the findings of the Enquiry Officer were not acceptable and how they suffered from any perversity or illegality. The only averment at para 9 of the Claim Statement was to the effect that the first party preferred an appeal on the ground that adverse findings recorded against her were not justified and they were perverse. Here again she did not disclose as to on what grounds the findings were not justified and they were perverse.

10. Learned counsel for the first party in his argument before this tribunal was at loss and failed to convince this tribunal as to why the findings of the Enquiry Officer are not justified and on what grounds they suffered from perversity. A perusal of the enquiry findings would make it abundantly clear that there was sufficient and legal oral as well as documentary evidence brought on record during the course of enquiry to establish the charges of misconduct against the first party. The management examined as many as six witnesses and pressed into service as many as 31 documents at Ex. M1 to M31. In this context it will be worthwhile to bring on record the observations made and reasonings assigned by the Enquiry Officer in holding the first party guilty of both the charges of misconduct leveled against her.

11. With regard to the **Charge No. 1**, his reasonings on pages 5 & 6 of the findings run as under :—

“On analyzing the documentary evidence, oral depositions of the witnesses, submissions of Presenting Officer and submissions of defence, I find that Smt. Sharada Bai had accounted for Rs. 14,581/- as against the actual credit of Rs. 15,981 in the Current Account of M/s. Mariam Nivas School on 18-9-1997. Had it been an error while arriving at the total, Smt. Sharada Bai should have arrived at an excess of Rs. 400 in the total cash. However, no such excess was reported by Smt. Sharada Bai. The defence has not placed anything on record to say as to why shortage of Rs. 400 was not noticed on the same day, if the same were to be a genuine mistake on her part. It may be further observed that Smt. Sharada Bai had remitted Rs. 400 to the Current Account No. 253 of M/s. Mariam Nivas School on 27-10-1996.

The Presenting Officer had further placed on record to say that Smt. Sharada Bai had called on the Principal of M/s. Mariam Nivas School and requested the School authorities to receive Rs. 400. However, school authorities informed her to credit the said amount by herself, which she did on 27-10-96. In this regard, the Presenting Officer had also produced Ex. M31 which is a letter written by M/s. Mariam Nivas School. However, the Presenting Officer could not produce the Principal or School authorities and he had informed in the enquiry that a notice was sent to the Principal of M/s. Mariam Nivas School, which was acknowledged by them. However, the school authorities did not turn up to depose in the enquiry. The defence has not placed anything on record to say that the casting error of Rs. 400 was a genuine mistake and hence I have no hesitation in holding Smt. Sharada Bai guilty of misappropriating a sum of Rs. 400 pertaining to the Current Account No. 253 of M/s. Mariam Nivas School on 18-9-96.”

12. As far as the **Second Charge** leveled against the first party with regard to misappropriation of funds of Rs. 10,000, the Enquiry Officer examined the matter and gave his reasonings vide pages 8 & 9 of the Enquiry Report run as under :—

“On analyzing the evidence of management and defence, it is found that there was a shortage of Rs. 10,000 on 5-10-96. The allegation of the management was that the said amount was misappropriated by Smt. Sharada Bai. The Presenting Officer had produced witnesses to say that Smt. Sharada Bai had produced paying-in-challan for Rs. 10,000/- to the Counter Clerk Smt. Datchayani to enable her to pass a withdrawal order form for Rs. 10,000 drawn on SB Account of Smt. Jayamma. The said credit challan was shown to Smt. Datchayani by Smt. Sharada Bai only after the receipt of withdrawal order from at the counter by Smt. Datchayani. Smt. Datchayani debited the withdrawal order form only after verifying the challan produced by Smt. Sharada Bai. The said credit challan was not entered in the shroff book by Smt. Sharada Bai through the same was given SI. No.8. In the waste, Smt. Shakunthala Subramanian had entered Rs. 100 as against SI.No.8 which pertains to credit entry of Rs. 100 to the SB Account of another customer. The credit slip for Rs. 10,000 was prepared and signed by Smt. Sharada Bai Smt. Jayamma, who is a close relative of Smt. Sharada Bai has deposed in the enquiry that Rs. 10,000 was prepared and signed by Smt. Sharada Bai Smt. Jayamma, who is a close relative of Smt. Sharada Bai has deposed in the

enquiry that Rs. 10,000 was handed over to Smt. Sharada Bai by her son on 5-10-96. However, on going through the records, it is observed that the said Rs. 10,000 was withdrawn on the same day. Had Smt. Jayamma was in need of funds, there was no necessity to deposit the like sum in her account on same day. It is pertinent to note that defence has not brought anything on record to say that DW1 has brought the cash and handed over the same to Chargesheeted employee without the knowledge of Smt. Jayamma. Under such circumstances, the deposition of DW1 and Smt. Jayamma cannot be accepted as correct. In the written brief, the Defence Representative has contended that the receipts, payment and cash was tallied on 5-10-96. However, on perusing the evidence, it is observed that the cash was not tallied on 5-10-96 and the same was done only on the next day evening which was brought to the notice of Smt. Sharada Bai on 8-10-96. The defence has contended that the mistake of not accounting for a challan of Rs. 10,000 is not intentional and the main cause for all these allegations is the Branch Manager who hates Smt. Sharada Bai. However, defence has not placed anything on record to substantiate the said allegation. The evidence produced by the Presenting Officer clearly establishes that Smt. Sharada Bai with an intention to get an instrument of Rs. 10,000 drawn on SB Account of Smt. Jayamma was passed in the ledger, had prepared and affixed her signature on the paying-in-challan for Rs. 10,000 and allotted Sl. No.8 without accounting for the same in the shroff book. When the same was pointed out, she made good the loss by crediting Rs. 10,000 on 8-10-1996. The defence has not placed anything on record to say that as to how the shortage of Rs. 10,000 had occurred due to non-accounting of challan of Rs. 10,000 which Smt. Sharada Bai had produced before Smt. Datchayani for passing the withdrawal order form for Rs. 10,000 in the SB Account of Smt. Jayamma.

For all the reasons stated above, I hold Smt. Sharada Bai guilty of misappropriation of Rs. 10,000.

Findings:

The analysis made above had clearly established that Smt. Sharada Bai is guilty if misappropriating Rs. 400 from the credits made to the Current Account No. 253 of M/s. Mariam Nivas School and also for misappropriation of Rs. 10,000 on 5-10-96. For the said reasons, I hold Smt. Sharada Bai Guilty of both the charges.

13. Therefore, from a careful scrutiny of the oral and documentary evidence brought on record during the course

of enquiry and discussed in detail by the Enquiry Officer in his findings supported by his reasoning, by no stretch of imagination it can be said that it was a case of 'no evidence' or a case of 'in sufficient evidence'. The only possible and probable conclusion to be drawn on the basis of the record made available during the course of enquiry was to conclude that the first party committed misconduct misappropriating the funds belonging to the management. It cannot be said to be a case of shortage of fund arising out of negligence committed by the first party in discharging her duties. In her own words as brought out in Para 5 of her Claim Statement, referred to supra, as far as first party is concerned, a sum of Rs.400 was not accounted to the Current Accounts of above said M/s. Mariam Nivas School on 18-9-96, it is only on 27-10-96 the first party remitted Rs. 400 to the aforesaid current account of said M/s. Mariam Nivas School, that too, when this fact was brought to notice on the above said date. Likewise, Shortage of Rs. 10,000 came to be detected as on 5-10-96 and she made good of the amount with the bank on 8-10-96. In her letter to the Sr. Manager of the branch in question dated 8-10-96 marked as Ex.M2 during the course of enquiry, she never disputed the shortage of Rs. 10,000 as on 5-10-96 taken place on her hand while working as a Cashier in the Bank. She readily came forward and expressed her willingness making good the shortage of the said amount of Rs. 10,000 by paying in cash, requesting the management to adjust the same towards cash shortage. She said nothing in the said letter that the shortage resulted due to some negligence on her part while discharging her duties but had in an audacity to say that she was not aware of the said shortage. The fact that on both the occasions she made good that amount of shortage without any protest and without offering any proper explanation, would tell tale upon her intention suppressing the said shortage using the said money as her unlawful gain causing unlawful loss to the bank. This conduct of the first party amounts to misappropriation of the funds belonging to the bank. Therefore, going through the evidence and reasonings given by the Enquiry Officer in his findings, this tribunal has got no hesitation in its mind to come to the conclusion that charges of misconduct of misappropriation of the funds have been proved against the first party.

14. Coming to the question of quantum of punishment, it was rightly submitted by the management that already a lenient view has been taken against the first party by converting the punishment of dismissal into the punishment of Compulsory Retirement. No more sympathy can be shown against the first party keeping in view the gravity of the misconduct committed by her and so also taking into consideration her past record. In the past also she was punished for a similar misconduct withholding her increment for a period of 4 years with cumulative effect as contended by the management in the counter Statement and not denied by the first party. In fact she

admitted the minor penalty imposed on her during the year 1990.

15. In the result I was to hold that the reference merits no consideration and liable to be dismissed accordingly. Hence the following Award.

AWARD

The reference is dismissed. No order to cost.

(Dictated to PA transcribed by her corrected and signed by me on 9th March 2005)

A.R. SIDDIQUI, Presiding Officer

नई दिल्ली, 31 मार्च, 2005

का.आ. 1628.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंकिंग सर्विस रिक्रूटमेंट बोर्ड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय गुवाहाटी के पंचाट (संदर्भ संख्या आई.टी./12(सी)/2001/117) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-03-2005 को प्राप्त हुआ था।

[सं. एल-12011/87/2001-आई. आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 31st March, 2005

S.O. 1628.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.IT 12(C) 2001/117) of the Industrial Tribunal-cum-Labour Court, Guwahati as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Banking Service Recruitment Board and their workman, which was received by the Central Government on 31-03-2005.

[No. L-12011/87/2001-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL GUWAHATI, ASSAM

REFERENCE NO.12(C) OF 2001

PRESENT:

SHRI B. BORA, Presiding Officer,
Industrial Tribunal, Guwahati.

In the matter of a Industrial Dispute between:

The management of
Banking Service Recruitment Board,
Guwahati.

Versus

Their workman represented by the President United Bank of India Employees Association, Panbazar, Guwahati.

APPEARANCE:

Shri S. Dutta, Advocate : For the management.

Shri K.K. Dey, Advocate

Shri B. Choudhury,

President, U.B.E.A. : For the workman.

Date of Award 19-2-2005

AWARD

The Govt. of India, Ministry of Labour, New Delhi by a notification No. L-12011/87/2001/IR(B-II) dated 24-8-2001 referred an Industrial Dispute between the management of Banking Service Recruitment Board and the workman represented by President United Bank Employees Association, Guwahati on the following issue:

"Whether the action of the management of Banking Service Recruitment Board, Guwahati in terminating Shri Deben Kakati, temporary sub-staff w.e.f. 1-8-1998 is justified? If not, what relief is the disputant entitled to?"

On receipt of reference, a reference case was registered and notices were issued both parties calling upon them to file their written statement/addl. written statement and document if any. In response to the notices both parties appeared in this Court and filed their written statement. Both parties also adduced evidences both oral and documentary in support of their respective case.

The case of the workman Shri Deben Kakati in brief is that, since 2-5-92 there was a resultant permanent vacancy of sub-staff due to promotion of Chandra Kanta Das a sub-staff and then Ajit Das in the Banking Service Recruitment Board (N.E. Group) Guwahati against which ultimately Deben Kakati was provided and engaged by the management of United Bank of India through the management of B.S.R.B. to work as sub-staff in the B.S.R.B. (N.E. Group) w.e.f. 2-5-92 to 1-8-98.

That, work of permanent nature in B.S.R.B. (N.E. Group) Guwahati is performed by the permanent employees of United Bank of India deputed to B.S.R.B. (N.E. Group) for the purpose. The manpower requirement of the B.S.R.B. (N.E. Group) is assessed by the co-ordinating Bank in consultation with the Chairman, B.S.R.B. (N.E. Group). as assessed by the United Bank of India, the number of subordinate staff in B.S.R.B. is more than the actual requirement and the Bank is considering withdrawal of surplus subordinate staff from the B.S.R.B.

That, the management continued to engage the workman permanently against unfilled vacancies but illegally denying him the continuation as permanent and regularised sub-staff and consequent wages, benefit. He was paid monthly wages arbitrarily at a lump-sum rate only.

That the management violates the provisions of the Sastry Award, Desai Award and the Bipartite Settlement

dtd. 19-10-66 by not providing the workman any appointment letter as required.

That, most illegal is the fact that the management arbitrarily terminated the workman from service w.e.f. 1-8-98 without any written order and they illegally terminated his job violating various Awards, provisions of the Bipartite Settlement dtd. 19-10-66 and Industrial Dispute Act, 1947 (Sec. 76).

That, in the present case the workman was engaged to work continuously for more than 6 (six) years illegally and against the provisions of the Bipartite Settlement dtd. 19-10-66.

That, his termination after completing 6(six) years of regular engagement against a permanent vacancy is an act of victimisation under the Industrial Disputes Act and he is eligible for regularisation of service w.e.f. 2-5-92 as per Bipartite Settlement.

According to the certificate dtd. 25-8-01 from R.K. Srivastava, the last Chairman of the Board "all the officers and clerical staff of the Board are on deputation from the United Bank of India and they would be reversing to their parent organisation".

But the management has not complied with any statutory provisions, Awards and settlements at all uptill now.

As the engaged employee concerned Deben Kakati is a workman under Section 2(s) of I.D. Act, 1947.

As the management has been resorting to unfair labour practices under Section 2(ra) of I.D. Act, 1947.

As the workmen Deben Kakati is entitled as per law, it is prayed for regularisation of his service with retrospective effect i.e. w.e.f. 2-5-92 and all the status and benefits of permanent sub-staff including amount of differences of wages, Bonus, Medical aid and all the privileges provided under Bipartite Settlement and law of the Land.

On the other hand the case of the management in brief is as follows :

That, the case is not maintainable both on facts and law. United Bank Employees' Association (hereinafter called the Union) has raised this dispute on behalf of Shri Deben Kakati only to harass the management of United Bank of India with the false hope of making wrongful gains for Shri Kakati.

That, the dispute was raised by the Union without any valid and reasonable ground and without any cause of action.

That, Shri Kakati was never employed by the management or the BSRB. There was no employer-employee relation between Shri Kakati and the management, Shri Kakati never worked as subordinate staff at BSRB.

That, the BSRB does not have any employee of its own in employment/muster roll. The BSRB did not appoint any employee on any cadre in any bank or in its office. It could not therefore terminate the employment of any employee. The question of terminating the services of Shri Kakati by the BSRB does not arise at all.

That, the real fact is that Shri Kakati was exclusively engaged by the previous Chairman of the BSRB as a personal bearer. Shri Kakati was engaged by the then Chairman on purely personal basis and he used to receive remuneration in cash on daily basis to the debit of P/L examination expenses which fell within the ambit of allowances/entitlement being granted to the Chairman. Shri Kakati stopped working as personal peon to the then Chairman after the expiry of his tenure in 1998.

That, Recruitment in the bank in subordinate cadre can only be made through employment exchange depending on eligibility criteria and other terms and conditions set by the bank. There is no provision/scheme for regularisation of a peon working as personal basis.

That, the issue referred by the appropriate Govt. for adjudication is misconceived and deserves no consideration or adjudication. Shri Kakati was never a temporary sub-staff and his employment was never terminated by BSRB as it has no authority or power to appoint or terminate. Shri Kakati was never a temporary sub-staff and his employment was never terminated by BSRB as it has no authority or power to appoint or terminate. Shri Kakati was also not an employee of coordinating bank i.e. United Bank of India. Hence this dispute is not an Industrial Dispute and does not come within the jurisdiction of the Hon'ble Tribunal for adjudication.

The management has prayed for an award in its favour.

Let me now discuss the evidence on record before arriving at my decision—

Witness No. 1 for the workman Shri Siba Prasad Suwari deposed that he worked in the Board from 1984 to 2001 and during his tenure he found 4 Nos. of permanent Sub-Staff besides a part time Sweeper. Out of the 4 Sub-Staff one Chandrakanta Das was promoted to Clerk and one Ajit Das was absorbed as Sub-Staff. Workman Deben Kakati worked as a canteen boy of the canteen of the Board. He was engaged as Sub-Staff by the Management from May '92 and he worked in that capacity upto 1-8-98 and he was discharged from service since 1-8-98. Ext. H is that report of conciliation, Ext. I is that Photocopy of the report sent to the Secy. of the Govt. of India, Ext. J letter to the Public Sector Bank Guwahati. Ext. K(1) to K (5) are the proceeding of the ASLC. Ext. L letter of the workman dt. 26-8-98 to the Board. Ext. M is the letter of the Secy. UBIEA, Assam. Ext. N letter of the ALC (Central). Ext. O is the letter of the workman to the ALC (Central). Ext. P is that letter of

the Board to the ALC (Central). Ext. Q is the letter the ALC (Central). Ext. R is the letter to the Chairman & Managing Director of UBI.

This witness in his cross-examination stated that the Management of the Bank did not issue any appointment letter to the workman for working as sub-staff in place of Ajit Das. Further he stated that the canteen Committee in formed out of the Staff of the Bank and the expenditure of the canteen is done from the subsidiary and contribution of the staff.

Witness No. 2 for the workman Shri Deben Kakati deposed that he worked as canteen boy since 1987 to April '92 and from May '92 he worked as sub-staff till 1-8-98. He further stated that he was not given any appointment for working as Sub-Staff. The Board assured him to make his service permanent but he was retrenched by the Secy. of the Board from 1-8-98.

In his cross-examinations he stated that he never applied for working as a Canteen Boy nor he has appointed by the Board. He stated that he was paid Rs. 600 by the office and canteen management. Further he stated that he did not apply for sub-staff along with Ajit Das.

Witness No. 1 for the management Shri Abhijit Baruah deposed that he had been working in the BSRB since 15-2-97 to 30-8-2001 and he was the Asstt. Secretary. The letter No. BSR-NE/REC/MISC/ALC/DK/75/6/2001 was addressed by the Chairman of the BSRB to the Asstt. Labour Commissioner (Central). Ext. 1 is the said letter. Ext. 1(1) is the signature of Shri Ramakanta Srivastab. Ext. 2 is another letter from the BSRB. Ext. 2(1) is the signature of Secretary D. Sarma. Ext. 3 is another letter to the Asstt. Labour Commissioner (Central). Workman Deben Kakati did not obtain any photocopy of ext. 4 to 6. He stated that he know workman Deben Kakati while he worked as personal peon to the Chairman. He further stated that Deben Kakati was never appointed by Board. Ext.-4 was issued by the Secretary of the canteen committee and the Board has no relation with the canteen committee. This witness stated that the workman Deben Kakati was neither an employee of the UBI of that of the BSRB. He further stated that the BSRB was abolished since 31-8-01 and the employees of the BSRB have been reverted back to the UBI. Ext. A & B are the payment vouchers by which Deben Kakati was paid his wages for the Month of May and June '98. Ext. C is the certificate of Shri Achyut Kr. Saikia, Chairman of the Bank in favour of the Deben Kakati. Ext. D is another certificate of Chairman Shri Jatin Hazarika. Only these much of evidence are available on the record.

Learned advocate for both the parties has submitted their written arguments and also argued their respective cases verbally.

Now on carefull perusal on the materials on record I find that the workman claimed that he was engaged by the

management of the UBI through the management BSRB (N.E. Group) to work in the BSRB (N.E. Group) as sub-staff w.e.f. 2-5-92 and while he was working in that capacity his service was terminated by the management w.e.f. 1-8-98 without any written order. But workman Deben Kakati could not produce any appointment letter as a sub-staff as claimed by him. The workman is totally silent regarding his working as a canteen boy from 1987 to 1992 though he stated in his evidence in this regard. His version is also corroborated by evidence of W.W. 1 Shri S.P. Suwari. The workman admitted in his evidence that he was never given any appointment letter by the Bank. The only materials that support his case are the Ext. A and Ext. B the payment vouchers in favour of Deben Kakati by the UBI but these vouchers also do not prove the claim of Deben Kakati that he ever worked as sub-staff of the UBI. The vouchers Ext. A & B do not speak as to in what capacity Deben Kakati worked in the BSRB. The management of the Bank stated in the written statement and in evidence of W. No. 1 for the management that D. Kakati work as personal peon of the Chairman and he was paid from the Head of P/N examination expenses. This assertion of the Bank or management finds corroboration from the Ext. A & B proved by the workman. The other documents proved by the workman. is Ext. C, a certificate issued by Shri Deben Kakati worked with him as office peon for over 4 years. Ext. D on the other hand, which was issued by Jatin Hazarika former Chairman of BSRB (N.E. Group) shows that D. Kakati worked in the BSRB, Guwahati as temporary employee but Ext. D does not spell out as to in what capacity Deben Kakati worked him for 4 years.

On a carefull scrutiny of the materials before me it is seen that the point of reference was whether the termination of workman Deben Kakati, a temporary sub-staff by the management of the BSRB (N.E. Group) was justified. But it is seen that the workman Shri Deben Kakati could not prove to the satisfaction of this Tribunal that he was ever appointed as sub-staff by the management of the UBI, Guwahati. It has been alleged that workman Deben Kakati was not given any appointment letter by the management of the BSRB in violation of the various Awards, Provisions of the Bi-partite settlement and Industrial Dispute Act, 1947. But in my view the question of issuance of any appointment letter does not arise in such as case where the workman could not prove his claim that he was ever engaged as sub-staff by the management of the Bank. Had he been able to prove his claim in that case only the question of non-issuance of appointment letter could have arose in violation of various awards and provisions of the Bi-partite settlement etc. Considering all the materials before me I am constrained to hold that this reference is without any merit and therefore, answered in the negative and decided in favour of the management.

Given under my hand and seal on this the 19th Feb' 2005.

B. BORA, Presiding Officer

नई दिल्ली, 31 मार्च, 2005

का.आ. 1629.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सैन्ट्रल बैंक ऑफ इण्डिया प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, संख्या-1, धनबाद के पंचाट (संदर्भ संख्या 241/2000/294) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-03-2005 को प्राप्त हुआ था।

[सं. एल-12011/61/2000-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 31st March, 2005

S.O. 1629.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 241/2000/294) of the Central Government Industrial Tribunal-cum-Labour Court, No. I, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 31-03-2005.

[No. L-12011/61/2000-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/S. 10(1)(d) of the I.D. Act, 1947

Reference No. 241 of 2000

Parties : Employers in relation to the management of Central Bank of India.

AND

Their Workmen

PRESENT:

Shri S. Prasad, Presiding Officer.

APPEARANCES:

For the Employers : Shri R.N. Ganguly,
Advocate.

For the Workmen : Shri D. Ram, General
Secretary, Central Bank of
India Staff's Union.

State : Jharkhand Industry : Coal

Dated, the 14th March, 2005

AWARD

By Order No. L-12011/61/2000-IR (B-II) dated 24-8-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Central Bank of India Branch at Bettiah in terminating the services of the workman Shri Binod Kumar Gupta on 5-5-1998 and not considering him for re-employment before appointing fresh hands like Rajesh Kumar,

Shri Birendra Kumar, Shri Hari Sharma and Shri Akhtar is justified? If not, what relief the workman is entitled?"

2. After receipt of the reference both parties were called upon to file their written statements in respect of their claim which they have put in.

3. According to the written statement of the sponsoring union it has been asserted that Binod Kumar Gupta, the concerned workman was appointed orally w.e.f. 7-4-1992 to discharge the duties of a Peon upto 4-5-1998 and thereafter he has been terminated w.e.f. 5-5-1998. According to him, during the period from 7-4-92 to 4-5-98 he was performing the duties of sweeping the Branch Premises, cleaning the counters, chairs, tables, taking out ledgers, registers from the Almirah and placing the same on the table, counter and vice-versa, carrying token book, scroll book from Cash Department to Accounts Department and vice-versa. Posting of mails to post office, serving water/tea to the members of the staff and customer and taking out Bank's files/records and other sundry jobs of a peon from 9 A.M. to 6 P.M. daily and even beyond that for certain period. But he was paid wages @ Rs. 15/- per day through vouchers. According to him sometime he was made payment in his own name and sometime in the name of others, like, Sunil Kumar Bharat Thakur, K.P. Gupta, Toofani Routh and so on and so forth. Thus, he has worked over 240 days in 12 calendar months during the aforesaid period but he has been illegally stopped from performing duty w.e.f. 5-5-98 without any notice, notice pay or retrenchment compensation as required under Sec. 25-F of the I.D. Act. According to him, some other persons who were working as casual, like, Rajesh Kumar, Birendra Kumar, Hari Sharma and Akhtar were regularised as permanent employees of the Bank. But the concerned workmen who was senior to them has been denied employment as permanent employee. According to him, he was performing permanent and perennial nature of job that also for more than 240 days in a calendar year, therefore, he is entitled for regularisation as permanent employee and other benefits.

4. The management too has filed its written statement-cum-rejoinder in which it has been clearly asserted that the concerned workman, Binod Kumar Gupta was temporarily engaged on casual basis in performing temporary and casual nature of job from time to time and he has performed casual nature of job for 70 days in the year 1995, 5 days in the year 1996, 58 days in the year 1997 and in the year 1998 he has worked for 94 days only. Thus, he has not performed 240 days work on casual basis also in any calendar year not he was engaged in perennial nature of job. The Central Bank of India, Bettiah has already permanent sweeper and it is he who does the job of sweeping and cleaning. The concerned workman has never done the job of sweeping and cleaning.

5. Further, according to the management, there is no person by name Akhtar and so for employment of Rajesh Kumar, Birendra Kumar, Hari Sharma are concerned they were not doing any casual on in Bettiah Branch of Central

Bank of India, rather they were working in some other Branch in the district of East Champaran and West Champaran within Mathihari Region of the Central Bank of India and they have been regularised after adopting due process of appointment. According to the management, the Bank has got its own circular regarding appointment of permanent employee and a permanent employee is employed only with due observation of such procedure. Therefore, according to the management, the concerned workman has been terminated within the meaning of Sec. 2(oo) of the Industrial Disputes Act and therefore it is not a case of illegal termination, rather it is a case for not providing casual nature of job. Such job was not in existence and therefore, the concerned workman is not entitled to any relief whatsoever.

6. In view of the pleadings of the parties, the first question to be decided in this case is whether the concerned workman has performed casual or permanent nature of job for 240 days in a calendar year and if so, whether the concerned workman has been illegally terminated from duty with effect from 5-5-1998? The second point to be considered is whether the concerned workman is entitled for any relief? If so, to what relief?

FINDING

7. It is the settled principle of law that the onus is upon the concerned workman to prove that he has performed work for 240 days in a year preceding his termination. For this a reference may be made to the case of Range Forest Officer Vs. S.T. Hadimani reported in 2002 Lab. I.C. 987.

8. Therefore, in view of the settled principle of law, let us see whether the concerned workman/sponsoring union has been able to prove that the concerned workman has performed work for 240 days in a calendar year preceding his termination on 5-5-98.

9. The concerned workman/sponsoring union has not brought on record any document nor they have called for any documents from which it can be proved that the concerned workman had worked for 240 days in a calendar year preceding his termination, apart from oral evidence of the concerned workman.

The management, on the other hand, has examined MW-1-Ramanand Bharti, who has clearly stated that from the record of the Bank it appears that the concerned workman has worked for 70 days in the year 1995, 5 days in the year 1996, 58 days in the year 1997 and 94 days in the year 1998 and for that he has produced the attested copies of vouchers through which payments were made to the concerned workmen which have been marked Ext. M-2 series. There are altogether 21 such vouchers which support the oral evidence of MW-1. He has also proved photo copies of attendance sheets, marked Ext. M-3 and the circular of the Bank for sending list of such casual workers who have worked for 90 days in a calendar year for being regularised. This letter is dated 25-4-1999 (Ext. M-1).

The sponsoring union or the concerned workmen apart from oral evidence of WW-1-Binod Kumar Gupta

has not made any attempt to show that the concerned workman has performed work for 240 days in a calendar year preceding his termination. Therefore, I find that there is absolutely no material to prove that the concerned workman has worked for 240 days in a calendar year preceding his termination.

10. Since the concerned workman/sponsoring union has failed to prove that the concerned workman has worked for 240 days in a calendar year preceding his termination on 5-5-1998 it cannot be held that he has been illegally terminated and consequently he cannot claim and benefit for not providing him job w.e.f. 5-5-1998.

11. In the result, I render the following award—

That the action of the management of Central Bank of India, Bettia in not providing service to the concerned workman, Binod Kumar Gupta w.e.f. 5-5-1998 and not considering him for re-employment before appointing fresh hands like Rajesh Kumar, Birendra Kumar, Hari Sharma who have been appointed on different branches of the Bank is justified and the concerned workman is not entitled to any relief.

S. PRASAD, Presiding Officer

नई दिल्ली, 4 अप्रैल, 2005

का.आ. 1630.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद I के पंचाट. (संदर्भ संख्या 92/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-03-2005 को प्राप्त हुआ था।

[सं. एल-20012/412/93-आई आर (सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 4th April, 2005

S.O. 1630.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 92/94) of the Central Government Industrial Tribunal-cum-Labour Court, No. I, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of BCCL and their workman, which was received by the Central Government on 31-03-2005.

[No. L-20012/412/93-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/s. 10(1)(d)(2A) of I. D. Act

Reference No. 92 of 1994

Parties : Employers in relation to the management of ROCP/South Jharia Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen

PRESENT:**SHRI S. PRASAD**, Presiding Officer**APPEARANCES:**For the Employers : Shri H. Nath,
AdvocateFor the Workmen : Shri D. K. Verma,
Advocate

Industry : Coal State : Jharkhand

Dated, the 21st March, 2005

AWARD

By Order No. L-20012(412)/93-IR (Coal-I) dated 8-4-94 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Dispute Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of ROCP/ South Jharia Colliery under Kustore Area No. VIII of M/s BCCL in dismissing Shri Shiyaram Gope, Miner w.e.f. 18-4-1988 is justified? If not, to what relief the workman is entitled?"

2. After receipt of the reference parties were directed to file written statements in support of their claim.

3. The sponsoring union has filed its written statement alleging that the concerned workman, Shiyaram Gope was working as Wagon Loader in ROCP/South Jharia Colliery under Kustore Area No. VIII since April, 1980. He was appointed under Voluntary Retirement Scheme in place of miner/loader, Bijan Gope on 14-4-1980. According to him, he is adopted son of Bijan Gope. Further, according to him, the concerned workman was working faithfully when he was issued a chargesheet dated 24-2-88 to which he submitted his reply dated 6-4-88. According to him, he being illiterate was unable to understand the chargesheet which was in English and therefore he could not prepare his reply properly. According to the sponsoring union the concerned workman was illegally dismissed from his work by order dated 18-4-1988.

4. The management has filed its written statement-cum-rejoinder to the written statement of the concerned workman in which it has been asserted that the concerned workman, Shiyaram Gope is the son of Ram Chit Gope of Village Jogbir, P.S. Bihia, P.O. Banahi, District Bhojpur. He entered into an arrangement with Bijan Gope who was employed as Overburden Remover of South Jharia Colliery with the active help and connivance of S/Sri Bijay Kumar Yadav, Patiram Yadav and K.P. Biswas and managed to enter into employment as dependant son of Bijan Gope who opted for voluntary retirement under V.R.S. Scheme. Thus, although the concerned was son of Bijan Gope yet he managed to obtain employment by practicing fraud. In the year 1988 the concerned workman himself lodged an

F.I.R. before the Police that Bijay Kumar Yadav, Patiram Yadav and K.P. Biswas forced him to sign some paper declaring his as son Bijan Gope so that he can get employment under BCCL under V.R.S. Scheme. In the course of enquiry the concerned workman also disclosed that he was paying half of his wages to Bijan Gope and still continuing demanding money and therefore the concerned workman prayed to the police to take action against those persons. The concerned workman was issued a chargesheet dated 24-2-88 and was directed to file his reply. The concerned workman submitted his reply in which he has admitted that he is the son of Ramchit Gope but on being forced by the aforesaid persons he had put his signature claiming himself to be son of Bijan Gope in order to get employment under V.R.S. The reply of the concerned workman was found not satisfactory, therefore, an enquiry was ordered to be made relating to the charges levelled against the concerned workman and in the departmental enquiry the concerned workman participated and in enquiry proceeding also he had admitted that he is son of Ramchit Gope, but has got employment as dependent son of Bijan Gope is convenience with the persons name above. The management has pleased that the departmental enquiry was conducted fairly and properly.

5. The issue relating to fairness and propriety of the domestic enquiry was taken up as preliminary issue and after examination of witness and production of papers relating to enquiry proceeding the learned lawyer for the concerned workman, Shri D.K. Verma had fairly conceded that the domestic enquiry has been held fairly and properly. Therefore, the matter was placed for hearing on merit under Sec. 11-A of the I.D. Act. In the meantime the concerned workman died, and in his place his legal representative filed a petition for substitution, but subsequently left taking step in this reference.

6. I have gone through the entire proceeding of the departmental enquiry and the evidence led by the management as well as the reply submitted by the concerned workman and his statement made before the Enquiry Officer. It is clear that the concerned workman has himself admitted that he is son of Ramchit Gope of Village Jogbir, P.S. Bihia, P.O. Banahi, Distt. Bhojpur, but he has obtained employment as a dependent son of Bijan Gope, miner/loader as his dependant son. Although in the written statement of the concerned union it was asserted that he is adopted son of Bijan Gope but no such evidence has been led during the course of domestic enquiry neither there is such plea in the reply of the chargesheet submitted by the concerned workman. Therefore, I find that the concerned workman got employment by falsely representing that he is the son of Bijan Gope, a miner/loader who opted for voluntary retirement and appointment of the concerned workman in his place as his dependent son. The employment provided to the concerned workman was result to fraud practice by Bijan Gope as well as the concerned workman, Shiyaram Gope.

Therefore, I find that the management is perfectly justified that the concerned workman has committed a misconduct of fraud in getting employment and therefore he must be dismissed from service. Therefore, I find that the action of the management is perfectly justified.

7. In the result, I render following award—

That the action of the management in dismissing the concerned workman, Shiyaram Gope w.e.f. 18-4-1988 is perfectly justified and the concerned workman is not entitled to any benefit.

S. PRASAD, Presiding Officer

नई दिल्ली, 4 अप्रैल, 2005

का.आ. 1631.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद I के पंचाट (संदर्भ संख्या 99/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-3-05 को प्राप्त हुआ था।

[सं. एल-20012/434/99-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 4th April, 2005

S.O. 1631.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 99/2000) of the Central Government Industrial Tribunal/Labour Court, No. I, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of BCCL and their workman, which was received by the Central Government on 31-3-05.

[No. L-20012/434/99-IR (C-1)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/s. 10(1)(d)(2A) of
I. D. Act

Reference No. 99 of 2000

Parties : Employers in relation to the management of
Simlabahal Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen

PRESENT:

Shri S. Prasad, Presiding Officer

APPEARANCES:

For the Employers

Shri H. Nath,
Advocate

For the Workmen : Shri D. Mukherjee,
Advocate.

State : Jharkhand Industry : Coal

Dated, the 18th March, 2005

AWARD

By Order No. L-20012/434/99-IR (C-1) dated 2-2-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Industrial Dispute Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Simlabahal Colliery of M/s BCCL in not referring Md. Sahabuddin to Area Medical Board for age determination and superannuating him is justified? If not, to what relief the concerned workman is entitled?”

2. After receipt of the reference parties were directed to file written statements in respect of their claim which they have filed.

3. From the written statement of the concerned workman filed by the sponsoring union it appears that he has alleged that he was appointed as Componder by the erstwhile owner of Simlabahal colliery on 1-10-1971 when his date of birth was recorded as 9-5-1942. Subsequently the said colliery was nationalised and M/s.B.C.C.Ltd. became the owner of the colliery. He has further pleaded that in Form ‘B’ register, C. M. P. F. register in which records his date of birth has been mentioned as 9-5-42, but in the Form ‘B’ Register of M/s. B.C.C. Ltd. his age has been recorded as 34 years in the year 1971 and on 8-9-74 an Identity card was issued to him in which his date of birth has been mentioned as 13-5-38 by cutting actual date of birth 9-5-42. He has further stated that he received a letter from the management that he is to superannuate w.e.f. 1-7-1997, then he made representation to correct his date of birth which was refused by the management and the concerned workman was superannuated w.e.f. 1-7-1997.

3. The case of the management, on the other hand, is that the date of birth/age of Md. Sahabuddin has been recorded as 34 years in the year 1971 in Form ‘B’ Register of the colliery which has been maintained in ordinary course of business under sec. 48 of the Mines Act and relevant rules thereunder. As per Instruction No. 76 of JBCCI of NCWA-IV when the age of an employee is mentioned in a particular year then the date of birth of an employee is to be taken at middle of the year i.e. 1st. July. Therefore, the concerned workman on attaining 60 years has been superannuated w.e.f. 1-7-1997.

4. Although the concerned workman has pleaded that in Form ‘B’ register of erstwhile owner and in C. M. P. F. register his date of birth has been recorded as 9-5-42 but he has not made any attempt to call for C.M.P.F. record from

the Coal Mines Provident Fund office. The concerned workman has further admitted in para 10 of his written statement that he had received Identity Card on 8-9-74 in which his date of birth was mentioned as 13-5-38 in place of 9-5-42. Thus, the concerned workman was aware that his date of birth has not been mentioned in official record of the colliery as 9-5-42, which is his correct date of birth according to him. But he did not raise any dispute in the year 1974, rather he kept mum for so many years and has raised the dispute after he was served with a notice of superannuation. He has stated in his written statement that as per school leaving certificate his actual date of birth is 9-5-42, but he has not filed original school leaving certificate, rather a xerox copy has been filed. When the school leaving certificate was with him there is no reason why original school leaving certificate has not been filed to prove that his date of birth is 9-5-42. The concerned workman has not made any attempt to call for the School Admission Register to prove that his actual date of birth is 9-5-42. Thus, I find that the concerned workman has not brought on record any clinching evidence to prove that his date of birth is 9-5-42.

5. The management, on the other hand, has brought on record the original Form 'B' Register which is a statutory register maintained under Rule 48 of the Mines Rules and in page 15 of the said register at serial no. 119 the entries of the particulars of the concerned workman have been mentioned (Ext. M-1), in the original register itself and the original register is before me in which the age of the concerned workman has been recorded as 34 years in the year 1971 which has been duly signed by the concerned workman also. The management's witness has stated that the concerned workman has been superannuated on attaining 60 years of age. The management has filed the original representation filed by the concerned workman which is dated 25-2-97 and has been marked as Ext. M-3. The management has replied to this representation by letter dated 28/30-3-97, Ext. M-4, refusing his representation. The management has also filed another letter of Personnel Manager, Kustore Area which is Ext. M-5 by which the dispute regarding date of birth has been closed. The concerned workman has filed a service excerpt of the year 1987 in which, no doubt, the date of birth of the concerned workman has been shown as 9-5-42, but this service excerpt does not find signature of any authority of M/s. B.C.C. Ltd. Therefore correctness of his service excerpt cannot be vouched safe. Since in the statutory register itself which has been duly signed by the concerned workman the age of the concerned workman has been shown as 34 years in the year 1971. Therefore, as per Instruction No. 76 of JBCCI of NCWA-IV the date of birth of the concerned workman has been rightly assessed as 1-7-1937 and he has been rightly superannuated w.e.f. 1-7-1997. The case of only those workmen is to be referred to Apex Medical Board for examination of age where their age/date of birth is not mentioned at the time of appointment and when there is

different entries in its statutory register of the company or appears to be tampered with. Therefore, I find that the management is justified in not referring the concerned workman to Apex Medical Board for determination of his age.

6. In the result, I render the following award—

The action of the management in superannuating the concerned workman w.e.f. 1-7-1997 and not referring him to Apex Medical Board is justified. The concerned workman is not entitled to any relief.

S. PRASAD, Presiding Officer

नई दिल्ली, 6 अप्रैल, 2005

का. आ. 1632.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गवर्नमेन्ट अफीम एण्ड अल्कालोईड वर्क्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 82/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-4-05 को प्राप्त हुआ था।

[सं. एल-42011/52/98-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 6th April, 2005

S.O. 1632.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 82/99) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of Govt. Opium and Alkaloid works and their workman, which was received by the Central Government on 6-4-05.

[No. L-42011/52/98-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHIRSURESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT/LOK ADALAT, SARVODAYA NAGAR KANPUR

Industrial Dispute No. 82 of 1999

In the matter of dispute between :

Balrup Sharma,
President,
Opium Factory, Labour Union,
Gazipur. U. P.

AND

General Manager,
Government Opium &
Alkaloid works,
Gazipur-233001

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification no. L-42011/52/98/IR(DU) dated 20-4-99 has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of Govt. opium Factory for not paying hazardous allowance to seasonal and casual employees at par with the other employees working at the similar working condition is legal and justified? If not what relief the workmen are entitled to?”

2. In the instant case after exchange of pleadings between the parties, the case was taken up for evidence of the parties. But unfortunately both the contesting parties failed to adduce their respective evidence in support of their claim. Therefore, virtually the present case is a case of no evidence. It is settled principle of law that party raising dispute first to lead evidence in support of his case and in case he fails to lead evidence in support of his case, his claim must fail and he cannot be held entitled to claim any relief. Needless to mention that on failure to put appearance on the date fixed parties were debarred from adducing their respective evidence by the tribunal.

3. In the facts and circumstances stated above, the tribunal is left with no other option but to hold that the claimant of the present dispute is not entitled for any relief for want of evidence. Reference is answered accordingly against the workman and in favour of the management.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 6 अप्रैल, 2005

का.आ. 1633.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 7/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-4-05 को प्राप्त हुआ था।

[सं. एल-40012/67/2001-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 6th April, 2005

S.O. 1633.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 7/2001) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of Deptt. of Post and their workman, which was received by the Central Government on 6-4-05.

[No. L-42011/52/98/IR(DU)]

KULDIPRAI VERMA, Desk Officer

ANNEXURE

BEFORE SRI SURESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT/LOK ADALAT, SARVODAYA NAGAR, KANPUR, UTTAR PRADESH

Industrial Dispute No. 7 of 2001

In the matter of dispute between :

**Sri Satyapal @ Chote Singh S/o Late Puran Lal Thakanpurwa
PO Bhugpur
Kanpur Dehat
Uttar Pradesh**

AND

**Assistant Suptd. of Post Offices
Kanpur (West) Panki
Kanpur.**

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification no. L-40012/67/2001/IR(DU) dated 30-5-2001, has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of Postal Suptd. Department of Posts District Kanpur in terminating the services of Sri Satyapal alias Chote Singh, Ex-waterman-cum-gardner w.e.f. 12-2-99 is justified? If not, to what relief the workman is entitled?”

2. In the instant case was identified for deciding the same through LOK ADALAT and for this purposes the case was taken up for hearing in the pretrial meetings. From the records of the case it is borne out that after exchange of pleadings between the parties both the parties stopped putting their respective appearance in the case. The claimant was debarred when he was found absent on the date his evidence from adducing evidence in support of his case. Thereafter management also stopped coming in the case. Therefore it appears that virtually it is a case of no evidence. In such circumstances, the tribunal is left with no other option but to hold that the workman is not entitled for any relief for want of evidence pursuant to the present reference made to this tribunal. Moreover having regard to the settled principle that if claimant fails to adduce evidence in support of his case, his case must fail for want of evidence. From this point of view also the workman is not entitled to any relief.

3. Therefore, the reference is answered in above terms and against the workman holding that the workman as not entitled to claim any relief in the present dispute.

SURESH CHANDRA, Presiding Officer.

नई दिल्ली, 6 अप्रैल, 2005

का.आ. 1634.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कर्नाटका बैंक लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बैंगलोर के पंचाट (संदर्भ संख्या 93/89) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-4-2005 को प्राप्त हुआ था।

[सं. एल-12012/40/83-डीआईवीए-आई आर (बी-1)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 6th April, 2005

S.O. 1634.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 93/89) of the Central Government Industrial Tribunal-Cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the Employers in relation to the Management of Karnataka Bank Ltd. and their workman, which was received by the Central Government on 5-4-2005.

[No. L-12012/40/83-DIVA-IR (B-I)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 11th March, 2005

Present : Shri A.R. Siddique

Presiding Officer

Cr. No. 93/89

I PARTY

Shri M.B. Ghorpade,

Near Datta Temple

Bankandi,

Japur Dist.-587 301

II PARTY

The Chairman,

Karnataka Bank Limited,

Head Office, Kodibail,

Mangalore-575 003

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/40/83-DIVA dated 11-12-89 for adjudication on the following schedule :

SCHEDULE

"Whether Shri M.B. Ghorpade whose services have been terminated w.e.f. 21-11-1981 by the management of Karnataka Bank Limited is a workman under the Industrial Disputes Act, 1947 and if so whether the action of the management of Karnataka Bank Limited in terminating his services is justified? If not, to what relief the workman concerned is entitled?"

2. Initially the Govt. of India refused to make a reference to the dispute raised by the first party on the ground that the first party was not a workman as defined under Section 2(s) of the Industrial Dispute Act 1947, herein after shortly referred as "Act".

3. Having aggrieved by this refusal the first party filed a writ petition in W.P. No. 3848/84. A learned Single Judge of High Court of Karnataka by the order dated 3-10-89 allowed the writ petition and directed the Union of India to refer the dispute for adjudication as the jurisdiction to decide this controversy is on the Labour Court or the Industrial Tribunal. Thereafter the above reference is referred to this tribunal.

4. On a reading, the reference is in two parts. First part required the first party to prove that he was a workman when his services are terminated. After giving a finding on this question the tribunal is asked to give a finding regarding the justification of the Second Party in terminating the services of the first party.

5. The contention of the first party as regard to the first question is that he was appointed as a Clerk in the year 1957 and was in the continuous employment of the bank till 21-11-81, the day on which his services are terminated. He was handling correspondence with the Head office and branches of the bank. He was entering in Ledgers the different statement received from various branches of the bank. As he was exclusively doing the work of Clerk he was a workman within the meaning of Section 2(s) of the act. The designation of "Officer" was of no consequence in determining his status as an employee and he was a workman within the meaning of Section 2(s) of the Act. His further contention is that his termination amounts to retrenchment and therefore, he is entitled for all benefits including back wages. The first party, as it regards to the first part of the schedule, placed materials stated above only. Second Part in the pleadings confined to the question related to his removal from the service and connected incidents.

6. The Second Party filed their counter Statement on 14-6-90. Later they have filed an additional counter Statement on 7-3-91.

7. In the first statement they have contended that the first party who was an accountant in the Bank of Karnataka was given grade of an Officer when the said Bank merged with the Second Party bank. He was transferred to the Regional Office, Hubli in September 1980. His duties were specifically were described as follows :

- 1(a) Scrutiny of Lead Bank Statement received from branches and fixing individual targets for advances to priority sectors;
- (b) Controlling, supervising and follow-up of the branches in respect of timely submission of the statements to Lead District office of the Bank. Preparing Draft letters and reminders in consultation with the Regional Development Manager and forwarded the same for his signature;
2. Reviewing the performance of the branches in deposit mobilization and appraise the Regional Development Manager from time to time and

follow up of the matters concerned with deposits with the branches;

3. To scrutinize the loan proposals received from branches for sanction of loans to the applicants and preparing office notes and place them before the Regional Development Manager for sanction or otherwise;
4. Attending to day to day correspondence and initialing letters etc. to Head Office and branches;
5. Preparing statements for Manager's conference; and
6. Checking Report on Advances received from Branches.

According to the Second Party the duties mentioned above are Supervisory and Administrative. First party was drawing more than Rs. 1,600 p.m. as an Officer. He was promoted as a Grade II Officer. At Hubli Office there were 3 officers and 2 Clerks. His nature of work was once again high lighted by the Second Party.

In the additional Counter Statement the Second Party made the points raised by the first party as it regards to his termination.

8. Keeping in view the points of reference, my learned predecessor in the first instance took up the issue of 'Workman' and by his award dated 20-8-1999 recorded the finding that first party was 'not a workman' and therefore, this tribunal had no jurisdiction and rejected the reference.

9. It is seen from the records that aggrieved by the said award, the first party approached the Hon'ble High court in Write Petitioner No. 44281/99 and the Hon'ble High court by its order dated 21-2-03 set aside the above said award and remitted back to this tribunal with a direction to dispose of the matter afresh permitting the parties to adduce further evidence, if any. It is further to be seen that aggrieved by the above said order of the High court in the Writ Petition, the management preferred an appeal in Writ Appeal No. 3190/03(L-TER) and that appeal came to be dismissed by the Division Bench of Hon'ble High court vide order dated 4-8-04.

10. It is to be noted that during the course of trial of the said issue before the above said award was passed by this Tribunal, the first party examined himself as WW1 and got marked 3 documents in his support.

11. Whereas the management examined two witnesses as MW1 and MW2 and in all got marked 32 documents at Ex. M1 to M32. After the remand, the first party filed an affidavit by way of his further examination chief and was cross examined on behalf of the management. There was no fresh evidence led by the management.

12. The statement of first party, WW1 in his earlier examination chief relevant for the purpose of decision on the above said issue is that he joined the services of the bank as a Clerk in the year 1957 and his services were confirmed in the year 1958. The Bank of Karnataka was subsequently merged with Karnataka Bank Ltd. with head

office at Mangalore, somewhere, in the month of December 1968 and at the time of merger he has been promoted to the Officer Grade III by the Second Party. His cadre was upgraded to the Officer Grade -III in the year 1978. He stated that while he was working as Grade II Officer in Jamkhandi Branch he was posted as subordinate to the Branch Manager who was a Grade III Officer. He was working as Grade II Officer in the same branch and was attending only Clerical work. On 10-10-1980 he was posted in Regional Office, Hubli as Officer Grade II till he was discharged from service on 21-11-1981. He stated that during that period he was working under Regional Development Manager. He stated that no employee was working under him. He further stated that on many occasions Grade II and Grade III Officers were directed to do Clerical jobs and no officer in his cadre was doing independent work. He stated that he has not signed any document in official capacity but was preparing documents to place the same for approval and signature before the Regional Development Manager. He used to prepare consolidated statement from the particulars given by other various branches to be placed for approval and signature of the Regional Development Manager. He further stated that throughout he was doing clerical job while working in the Divisional Officer and has not signed any other letter independently and he was only drafting letters and then putting them to the approval of the Regional Development Manager. He was checking the request of advances on the basis of the circulars and the instructions received from RDM and was also looking after the inward outward registers, maintenance of postage and writing of reservation books which job was been done by the clerks. One Shri G.B. Desai and one Mr. Katgari were either two officers working in the said office. Mr. Desai was Grade II Officer and Katgari was Grade III Officer. In his further examination chief he denied that two Clerks and one Peon were working under him. In his Cross Examination he admitted that his pay scale was above Clerical Grade. He admitted that he was upgraded in his job in accordance with Ex.M1 and was sent for training as per Ex.M3 being relieved as per Ex.M2. He admitted that bank had issued the power of Attorney at Ex.M5 in his favour. He denied the suggestion that his work included monitoring, checking, drafting letters, Scrutinizing of Bank Statements and fixing of individual targets for priority Sector Advances. He admitted that as per Ex.M18 he was entitled for Class I Traveling Allowances.

13. Statement of MW1 in his examination chief is as under:

"I know the first party Chorpade. In 1970 I was working at Haveri as Branch Manager. In 1980 I was Regional Manager of Hubli Division. In 1980 first party was working at Hubli as officer. Before coming to Hubli, He was working

at Jamakandi, as Officer. When he was working under me, he was drawing salary more than Rs. 1,600/-. Ex.M1 is the order showing that the first party was promoted to grade II Officers cadre. Ex. M2 shows the salary particulars of first party (now produced). M2 is a relieving certificate, which shows the particulars.

Ex. M3 shows that first party was sent for training. Ex M4 is the memorandum showing that first party was relieved after paying 3 months salary. Ex.M5 is the Power of Attorney issued to first party by Second Party. POA are issued only to officers.

M6 to M17 are the documents showing the nature of duties performed by first party. All these have been initialled by the first party below MBG/BV. Ex .M12 is signed by first party and is in the handwriting of first party and also M.13 and M14 and M15 are initialled by the first party on the reverse after checking.

First party was doing supervisory duties like monitoring, checking, drafting letters, scrutinizing the lead bank statements, fixing of individual targets for priority sector advances and etc. Ex. M18 shows that first party was entitled to first class travel allowance.

"As I remember two clerks and one peon were working under the first party. First party is not a workman as defined under the ID Act. Ex.M3(a) is the report given by the first party for having attended the training."

14. His statement in Cross examination relevant for the purposes is that Ex.M6 to Ex.M13 and Ex.M16 and M17 have gone under his signature. Ex.M14 & 15 are received from the Manager, Mahalingapur branch at Hubli. By monitoring he means reports and advances sent by branches are checked. Scrutinizing and checking is monitoring. He denied the suggestion that it was the job of the clerks and also the suggestion that drafting of letters is a clerical job. He denied the suggestion that checking, scrutinizing and drafting by the person is at the responsibility of the boss who signed the documents. He further stated that by scrutinizing he meant tallying the figures in the reports and the registers in the lead bank. Statement and denied the suggestion that it is absolutely clerical work. He admitted that individual target for different branches for priority sector advances etc. are done by the Regional Manager. He admitted that first party was working at Hubli for more than a year before his services were terminated but denied the suggestion that he was doing exclusively clerical work. In his further cross examination MW1 admitted that all the functions of first party referred to by him in the WS(Counter) were done by first party under his direct guidance and instructions. He stated that first party was controlling other employees and he can produce documents to show that clerks were working under him and denied the suggestion that no Clerk or Peon was working under the first party. He denied the suggestion that drafting letters, checking statements received from branches is a sheer Clerical work. He then stated that the documents at Ex.M7,M14,M15 and M10 are some of the

documents showing that first party was doing Supervisory Work. He admitted that every report checked by the first party was put to him for approval.

15. In the statement of MW2 further documents at Ex.M19, M32 were marked mostly concerning to the other part of the reference point i.e. the termination of the services of the first party by the Second Party. His statement also mainly was to speak about the alleged misconduct committed by the first party, therefore need not be brought on record on this stage.

16. After the remand as noted above, the first party filed his affidavit by way of further examination chief and the averments in his affidavit at paras 3 to 5 relevant for the purpose are as under:—

"I once again respectfully submit that irrespective of the designation given by the Second party Bank, I did not enjoy any managerial or supervisory powers. I was not supervising the work any of the staff working in the branch at the relevant time. I submit that I had no power either to recommend or sanction leave to any of the staff working in the branch. I was required to sign the attendance every day. Whenever I was on leave, I used to submit the leave letter to the Branch Manager and get it recommended/sanctioned. I did not enjoy any independent powers.

I further respectfully submit that I was not having and financial powers. I was required to act according to the instructions of my official superiors. I also further submit that I was not vested with any disciplinary powers. Accordingly, I had no power to issue any memo or charge sheet or take any action against any of the employee working in the bank. I further state that at the time of merger of Bank of Karnataka with the Karnataka Bank limited, I did not enjoy any supervisor or managerial powers. Even after merger of the bank and when my duties came to be assigned in the second party bank I continued to discharge my duties as before without change.

17. In his cross examination he was confronted with a letter of allotment of duties given to him by the Second party and was marked at Ex.W3(it was filed by the first party himself). It was elicited from his mouth that General Manager was the Disciplinary Authority for the sub staff of the bank and so also the other officers of the bank having an authority to issue the charge sheet and to take the disciplinary action. In his further cross examination, his reply notice was marked at Ex.M33.

18. Learned counsel for the first party Shri V. S. Naik argued that the aforesaid statement of the first party in his Examination Chief made earlier to the remand as well as subsequent to the remand speaking to the fact that he was all along doing the job of the clerk having no control or supervision over any of the staff members, has gone very much unchallenged there being nothing brought in

his cross examination to doubt the veracity of his statement. He submitted that the various functions enumerated in the above said allotment letter at Ex. W3 themselves will read to the effect that they were the functions to be carried out at a clerical level and that none of those functions can be said to be done in a managerial capacity or in a supervisory capacity. Coming to the Power of Attorney at Ex. M5 relied upon by the management to show that he was discharging duties in a managerial and supervisory capacity, learned counsel submitted that the powers or the functions conferred by way of Power of Attorney cannot be said to be the powers being exercised by the Power of Attorney holder in his independent official capacity. Moreover it was executed in the year 1966 and admittedly it was not in operation when the first party was working at jamkhandi and then in Regional Office, hubli when his services were terminated. Coming to the Documents at Ex. 6 to 18, once again relied upon by the management to show the supervisory powers of the first party, learned counsel submitted that none of these documents would help the management to establish the said fact as many of those documents admittedly were under the signature of MW1, himself. His next argument was that the designation held by the first party of Grade II Cadre or Grade III Cadre and the salary drawn by him above the pay scale of clerks cannot be the factor to determine that the first party was doing managerial or supervisory work. Going on training as an Officer as per Ex. M3 or drawing first class fare as per Ex. M18 again is of no significance. lastly learned counsel argued that the statement of MW1 in the cross examination admitting certain vital facts about the functions being discharged by the first party itself will be sufficient enough to dislodge the case of the management that the first party is not a workman as defined under the provisions of ID Act.

19. Whereas, learned counsel for the second party vehemently argued that undisputedly the first party has been promoted as Grade II officer in 1968 and as Grade III Officer in the year 1978, which is the grade of the manager having managerial and supervisory capacity. The first party all along claimed himself as an officer and has drawn TA/DA as an officer going on training vide Ex. M3 and M18 respectively, Learned counsel then referred to the above said allotment letter at Ex. W3 to point out that the duties enumerated therein would reflect upon the fact that first party was discharging managerial and supervisory functions. He also took support of the Power of Attorney at Ex. M5 to show that such a power of Attorney will be executed in favour of the officer of a managerial grade exercising managerial powers. He also referred to the documents at Ex. M16, M17 in support of his arguments.

20. Lastly he submitted that by designation and grade the first party was the officer to be posted as a Manager and if he had discharged the duties of a Clerk occasionally he cannot be brought under the category of

the Clerks and in the result under the definition of the workman.

21. Learned Counsel for the first party supporting his arguments relied upon the following citations:

1. 1994 ILLJP. 597
2. 1984 ILLJP. 546
3. 1981 ILLJP. 401
4. 1983 ILLJP. 293
5. 1996 ILLJP. 228

22. Likewise learned counsel for the Second Party to support his argument took shelter under the following decisions :—

1. 1995 ILLJ. 214 (SC)
2. 1995 ILLJ. 264 Kar (DB)
3. 1996 ILLJ. 1140 (Ker) (DB)
4. 1994 ILLJ. 1153 (SC)
5. 1996 ILLJ. 55 (Bom)
6. 1993 ILLJ. 224 (P & H) (DB)
7. 1996 ILLJ. 573 (Delhi) (DB)
8. 1994 ILLJ. 1035 (All) (DB)
9. 1994 ILLJ. 712 (SC)
10. 1994 ILLJ. 411 (SC)
11. 1988 (7) SLR Page 677 (CAT, Calcutta)
12. 1995 ILLJ. Page 243 (Bom)

23. after having gone through the records, I do not find much substance in the arguments advanced for the Second Party. First of all the statement of the first party in his examination chief earlier to the remand and then subsequent to the remand as argued for the first party has remained unshaken on the material aspects of the case. The statement of the management witness MW1 who was mainly examined on the point in question, as argued for the first party once again would lend support to his case rather the case of the management. i would like to come to it a little later. The management in order to establish the fact that the first party does not fit in the definition of the workman vide Section 2(s) of the ID Act relied upon various documents as well as the statement of MW1 and the statement of the first party in his cross examination as noted above. The first and foremost argument advanced by the Second Party was the undisputed fact that the first party was promoted as Grade II Officer in 1968 and as Grade III Officer in the year 1978 which is the grade of the Manager having managerial and supervisory capacity. Therefore, the management contended that he being an officer of the cadre of the Manager not bound by the terms of the Bipartite Settlement governing the sub staff cannot knock the door of this tribunal as a workman covered under the provisions of the ID Act. I do not accede to this contention of the management. Their Lordship of

Supreme Court in a decision reported in LLR 1996 page 620 at Para 7 have dealt this position of law ~~thead bare~~ while answering the question raised by the management in the said case that official concerned was holding a Class-I post in the bank. Their Lordship made it clear that the onus to establish the fact that official was performing the managerial duties is on the management ~~bank~~ and not *vice versa*. It was ruled that mere nomenclature to the post is not enough for the purpose of holding whether a particular person falls within the definition of workman or not. It was further held that the crux of the matter would be the type of duties a particular person performed during the course of his employment under his employer and that themselves to be determined with reference to principal nature of duties and functions. Therefore, merely because the first party was promoted as Grade II Officer or Grade III Officer in the Bank, his nomenclature will not get him out of the category of workman as long as it is not established by the management that his principal duties were managerial and supervisory in nature. Their Lordship of Supreme Court in a decision reported in 1964 SC 1522 made it clear that the designation of an official such as an Accountant again will not take the official concerned out of the definition of the workman considering the duties being performed by him. Thus the contention of the management that the first party was an officer of Grade II and then of Grade III meant for Manager doing managerial and supervisory functions cannot be accepted in the light of the above said principles laid down by their Lordship of Supreme Court. The management then relied upon a Power of Attorney executed by it in favour of the first party to support its contention that such a Power of Attorney will be executed only in favour of the Officer as it authorizes to carry out the various managerial and supervisory functions. This Power of Attorney is marked in this tribunal at Ex. M5 and it is not disputed by the first party that it was in his favour. However, I find substance in the arguments advanced by the first party that it will not help the case of the management to show that this document would lead to an inference to suggest that first party was working in managerial and supervisory capacity. First of all it is the document executed in the year 1966 when the first party neither was promoted as Grade II Officer or as Grade III Officer. Secondly it is in no uncertain terms MW2 admitted in his cross examination that this Power of Attorney was not in existence when the first party was working in the Regional Office at Hubli. Moreover; simply because some Power of Attorney is executed in favour of somebody actually having no powers to be exercised as enumerated in the Power of Attorney, those powers will not elevate the status of the official for all that times to come. Such a Power of Attorney will be for a limited purpose MW2 at Para 12 of his cross examination admitted that first party had no occasion to use his Power of Attorney

while he was working in the Regional Office, Hubli therefore, Ex. M5 will not cut much ice in favour of the management. The management then takes the help of the documents at Ex. M6 to M18 to counter the case of the first party. MW1 in his Examination Chief at Para 4 stated that Ex. M6 to M17 are the documents showing the duties performed by the first party and they have been initiated by the first party. In his cross examination at Para 9 he was to admit that Ex. M6 to M13 and Ex. M16 and Ex. M17 have gone under his signature and Ex. M14 and M15 are received from the Manager of Mahalingapur Branch at Hubli. A perusal of Ex. M6 to M17 would disclose that these are all the letters under the signature of MW1 sent to various branches under Regional Office, Hubli for mobilisation of deposit funds. Some of them have been initialed by the first party and his case that he has just drafted them under the directions of MW1 cannot be rejected. Merely, because he drafted those letters and put initials on some of them will not give rise to the presumption that he did it in his managerial or supervisory capacity. Ex. M18 was to show that first party was entitled to first class Travelling Allowance. No doubt first party was an officer entitled to first class Travelling Allowance and it is also not in dispute that he was drawing the salary more than the salary drawn by the Clerk but it is now well settled principles of law that the salary drawn by the official is not a criteria to jump to the conclusion that he was not a workman. Likewise Travelling Allowance drawn by the first party on the same analogy will not be a point negative in his favour. The other two documents relied upon by the management were at Ex. M3, a letter showing that the first party was drafted for officers training and a memorandum showing that he was relieved from the duties being paid three months salary as it should be in the case of officers. Here again I am not very much convinced to say that this two documents will go against the first party as a workman. Now comes trump card namely, the document at Ex. W3 which was filed before this tribunal by the first party and was marked on behalf of the management in his cross examination. The learned counsel for the management commenting upon the said document vehemently argued that this is a letter issued by the management enumerating the duties and functions to be discharged by the first party. The letter showing the duties allotted to the first party is as under :—

“Allotment of work with effect from 1-4-75”

Shri M. B. Ghorpade, Officer, Staff No. 158

“Checking of Cash with Bankers, Sundry Assets, Sundry Liabilities, suspense registers, All deposit ledgers, subday books, Balance checking, tallying of deposits, postage and outward register checking, inspection, returns and any other work that may be entrusted from time to time.”

24. It is interesting to note that this is the letter dated 1-4-75 while the first party was working at Bijapur.

Undisputedly, he was yet to be promoted as Grade III Officer from Grade II Officer Cadre at that time. Moreover, as argued for the first party none of the duties mentioned in the said letter would reflect upon the managerial or supervisory capacity of the first party. Certainly, as could be seen from the nature of duties shown therein they are just clerical in nature to be discharged at a clerical level by the Clerks concerned. The management laid much emphasis on one of the duties mentioned in the said letter namely, the checking of cash with bankers. First of all I do not know as to how it amounts to a function of supervisory nature. His Lordship of High Court of Judicature at Bombay in a decision reported in 2000 (3) LLN 179 while dealing a question like on hand held that Supervision includes supervision over subordinates not over the computers, further holding that checking of ledgers, statements, registers, records or computer print outs only, cannot by any stretch of imagination held to be a supervisory or managerial function. The above principle laid down by the High Court of Bombay must be a fitting reply to the management contentions with regard to the aforesaid duties mentioned in the letter at Ex. W3. Their Lordship of Supreme Court in a decision reported in AIR 1967 SC page 428 even went to the extent of holding that Clerks doing work of checking in Audit Department cannot be held to be supervisors. Their Lordship in a decision reported in AIR 1998 SC 329 held the view that the official who just do checking up as an internal auditor in company on behalf of the employer and had no independent right or authority to take decision must be held to be workman within the meaning of Section 2(s) of the ID Act. Holding further that while determining the powers of the official concerned, it is to be kept in mind that whether such a person in fact was doing supervisory or managerial work and not his work of checking done on behalf of the employer. Now therefore, almost all the aforesaid documents relied upon by the management will not take its case any further to establish the fact that first party was not a workman.

25. Now coming to the testimony of MW1 himself. It was well argued for the first party that his statement in cross examination must put an end to the controversy raised on behalf of the management. MW1, as noted above, in his cross examination in no uncertain terms comes to say that all the functions of the first party referred to by him in the WS (Counter) are done by the first party under his direct guidance and instructions. While stating that the documents at Ex. M7, M10, M14, M15 are some of the documents showing that the first party was doing Supervisory work. He admitted that every report checked by the first party was put before him for approval. Therefore, from the above statement of MW1 coupled with Document Ex. M6 to M17 which were relied upon by the management it can be very much clear that these are all the documents at the most drafted by the first party but

those drafted letters were placed before MW1 for his approval. That shows that the first party had absolutely no independent right or authority to send those letters to the respective branches under the regional Office, Hubli by taking his own decision and under his own signatures. MW1 in his cross examination though claimed that he has got documents to show that some two clerks and peon were working under the first party but unfortunately no such documents are produced before this Tribunal. If really the first party was exercising managerial and supervisory functions after he being promoted in Grade II or Grade III Officer cadre, then, it was not very difficult for the management to have produced some oral or documentary evidence to the above effect. Not a scrap of paper was produced to suggest that at any point of time the first party was appointed or posted as an independent Manager of any independent branch of the Bank under the control of management so as to suggest that he had control over the staff working in the said branch. It is no where the case of the management that he worked as a manager of the branch at Jamkhandi or thereafter in any managerial capacity in the Regional Office at Hubli when his services were terminated. No staff or sub staff was produced before this tribunal to speak to the fact that at any point of time they worked under the first party. Therefore, merely because first party held the post of Officer and had drawn salary much more the clerks were drawing and that he availed first class Travelling facilities, under went certain officers training will not be the circumstance sufficient enough to draw the conclusion that he was discharging the duties in managerial or supervisory capacity. The various decisions noted above and cited on behalf of the management would speak to certain settled position of law and such a position of law cannot be disputed in my humble opinion but what the principle laid down in those decisions is that while determining the status of the official as a workman or otherwise the court must bestow its attention in taking into consideration the main, rather, the principal duties the official concerned was carrying out at the relevant point of time. Here, unfortunately, there is no sufficient and legal evidence produced by the management to arrive at the conclusion that the first party was performing mainly or substantially the duties of managerial and supervisory capacity. In fact the aforesaid duty allotment letter at Ex. W3 would tell tale upon the fact that the duties assigned to him were exclusively clerical in nature. These duties by no stretch of imagination can be said to be the duties to be performed by the cadre of the Officer, much less, the Manager of a particular bank branch having managerial or supervisory capacity.

26. In the result I am of the considered view that the first party in this case has been able to establish that he is a 'workman' as defined under Section 2(s) of the ID Act

and as such can very well maintain the present reference against the management. Hence the following Order.

ORDER

The first part of the reference is here by answered to the effect that first party is a workman within the meaning of 2(s) of the ID Act. No order to cost.

(Dictated to PA transcribed by her corrected and signed by me on 11th March 2005)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 6 अप्रैल, 2005

का.आ. 1635.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ बीकानेर और जयपुर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कानपुर के पंचाट (संदर्भ संख्या 116/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-04-2005 को प्राप्त हुआ था।

[सं. एल-12012/602/1998-आई आर (बी-1)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 6th April, 2005

S.O. 1635.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 116 of 99) of the Central Government Industrial Tribunal-Cum-Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Bikaner & Jaipur and their workman, which was received by the Central Government on 05-04-2005.

[No. L-12012/602/1998-IR (B-I)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE SRI SURESH CHANDRA PRESIDING
OFFICER CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT/LOK ADALAT, SARVODAYA
NAGAR KANPUR**

Industrial Dispute No 116 of 99

In the matter of dispute between;

Sri Kamlesh Kumar C/o Sh B. P. Pandey

186/371 Heeraganj

Kanpur U. P.

Pin 208001

AND

The Branch Manager

State Bank of Bikaner & Jaipur

Branch office

Sant Nagar

Kanpur.

AWARD

1. The Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012/602/98-IR (B-1) dated 22-4-99 has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of State Bank of Bikaner & Jaipur violating the order of Ministry of Finance Government of India of August, 1998 and terminating the services of Sri Kamlesh Kumar w.e.f. 28-5-84 is legal and justified.

It not, to what relief the workman is entitled?

2. In the instant case after exchange of pleadings between the parties, the case was taken up for evidence of the parties. But unfortunately both the contesting parties failed to adduce their respective evidence in support of their claim. Therefore, virtually the present case is a case of no evidence. It is settled principle of law that party raising dispute first to lead evidence in support of his case and in case he fails to lead evidence in support of his case, his claim must fail and he cannot be held entitled to claim any relief. Needless to mention that on failure to put appearance on the date fixed parties were debarred from adducing their respective evidence by the tribunal.

3. In the facts and circumstances stated above, the tribunal is left with no other option but to hold that the claimant of the present dispute is not entitled for any relief for want of evidence. Reference is answered accordingly against the workman and in favour of the management.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 6 अप्रैल, 2005

का.आ. 1636.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीजापुर ग्रामीण बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बेंगलूर के पंचाट (संदर्भ संख्या 11/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-04-2005 को प्राप्त हुआ था।

[सं. एल-12012/479/2001-आई आर (बी-1)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 6th April, 2005

S.O. 1636.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 11/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bijapur Gramina Bank, and their workman, which was received by the Central Government on 05-04-2005.

[No. L-12012/479/2001-IR (B-I)]

C. GANGADHARAN, Under Secy.

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE

Dated : 18th March, 2005

PRESENT: Shri A.R. Siddique Presiding Officer

Cr. No. 11/2001

I PARTY

Shri B. S. Kirangi,
 Yankachi P. O.,
 Sindagi Taluk,
 Bijapur District,
 Bijapur -586101.

II PARTY

The Chairman,
 Bijapur Gramina Bank,
 Viveknagar West,
 Bijapur (PO) -586101
 Karnataka

APPEARANCES:

I party :

M. Rama Rao
 General Secretary

II Party :

K. G. N. Prasad/
 B C Prabhakar
 Advocate

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/479/2001-IR (B-I) dated 05-02-2001 for adjudication on the following schedule :

SCHEDULE

"Whether the action of Bijapur Gramin Bank, Head Office, Bijapur is justified in imposing the punishment of dismissal from service on Shri B.S. Kirangi applicant is justified? If not, to what relief the workman is entitled?"

2. A Charge Sheet dated 08-10-1998 was issued to the I party workman as under :—

"Para 1 : That while working in our Golageri branch since 29-06-1944 as Messenger-Cum-Sweeper, on or about 06-07-1998 you received cash of Rs. 2,000 from Sri G.C. Math for crediting to his S.B. Account No. 2543. But you did not credit the said amount to Bank cash account and mis-utilised Rs. 2000 for your benefits. Thus you mis-utilised the customers money for your personal use by falsifying bank records.

Para 2 : That on or about 01-08-1998 you received cash of Rs. 1,200/- from Sri C.D. Bure for crediting to his S.B. Account No. 62. After receiving the cash you entered in the Pass Book No. 62 unauthorisedly and raised the balance. But you did not credit the cash to S.B. Account No. 62 and retained with you unauthorisedly and mis-utilised the said amount for your personal use.

Thus you mis-utilised an amount of Rs. 1,200/- received from the party for your personal use and falsified the bank records.

Para 3 : That on or about 08-06-1998 and 08-07-1998 you received Rs. 200/- each from Sri N.G. Handral for crediting to P.D. Account No. 458 of Kumari Anusuya. After receiving the said amount you made entry in the P.D. Pass Book No. 458 in the respective months unauthorisedly. But did not credit the said amount to Bank cash account and mis-utilised the said amount for your personal use.

Thus you misappropriated the depositors money for your personal use, by falsifying Bank records.

Para 4 : That on 11-06-1998 and 01-07-1998 you received Rs. 200 and Rs. 300 respectively from Sri S.S. Kori for crediting to his Loan Account No. RT 22/96. After receiving the said amount you issued counter foil, unauthorisedly. You prepared the counter foil, affixed 'Cash Received' seal and signed in the place provided for the signatures of Cashier and Manager. After forging Cashier and Manager's signature and affixing 'Cash Received' seal you issued counter foil to Sri S.S.Kori. for having credited the amount to party's loan account. You have not credited the said amount to loan account soon after receiving the same and mis-utilised for your personal benefit. The said amount was credited by you loan account No. 22/96 on 22-08-1998.

Thus you mis-utilised an amount of Rs. 500 received from Sri S.S.Kori for your personal benefit. You issued counter foil by forging Cashier and Manager's signatures and affixing 'Cash Received' seal and falsified the records of the Bank.

Para 5 : That you received Rs. 500 from Sri Shivanna R. Moodalbai R/o Golageri for crediting to his P.D. Account No. 414 towards the instalments of June and July 1998 of Rs. 250 each. But you did not credit the said amount to the party's P.D. Account No. 414 immediately in the respective months. You temporarily mis-utilised said amount for your personal use and credited the same to Bank Account on 14-08-1998.

Thus you mis-utilised an amount of Rs. 500 given by the party for your personal benefit.

Para 6 : That on 17-07-1998 you received cash of Rs. 1100 from Sri Vishnu Malakappa Bailapattar R/o Golageri to credit to his P.D. Account No. 451. After receiving the cash neither you credited the same to his PD A/c. nor Bank's cash account. You retained the said amount with you unauthorisedly and temporarily mis-appropriated for your personal use.

You received an amount of Rs. 1100/- from Sri V.M. Railapattar on 17-07-1998 and retained with you un-authorisedly and credited the same to party's P.D. Account No. 451 on 22-08-1998. Thus you temporarily mis-appropriated said amount for your personal use.

That in the process, you failed to observe, comply with and obey all orders and directions of the Bank. You also failed to serve the Bank honestly and faithfully and use your utmost endeavour to promote the interest of the Bank and conducted yourself in a manner in violation of Regulation No. 17 and 19 of the Bijapur Grameena Bank Staff Service Regulations 1983."

3. After the reply given by the I party to the said charge sheet, the Domestic Enquiry was ordered against him and on the basis of the findings recorded by the Enquiry officer holding the I party guilty of the aforesaid charges, the Disciplinary Authority dismissed the I party from his services.

4. Aggrieved by the aforesaid dismissal order, the I party appears to have preferred an appeal and that came to be rejected by the Appellate Authority. Then he raised an Industrial Dispute and the reference on hand came to be made to this tribunal by the Government of India.

5. Before this tribunal, the I party filed his claim statement with the averments that the order of dismissal passed against him is liable to be set aside for reasons that he did not know English Language and whereas the Enquiry Proceedings were conducted against him in English turning down his request to conduct the same in Kannada Language though all along he made representation to the management in Kannada Language only. He contended that he was placed under suspension unilaterally and his request to pass an order of suspension in Kannada language was not considered. He contended that the manager threatened him and demanded resignation from him in case he did not act as per his directions and that believing the words of the Manager that he will be continued in the employment he put the signature as per his directions. Therefore, the admission of guilt by the I party by taking his signature was under the threats given by the Management. He contended that charge sheet was issued to him in English Language and on the assurance given by the Management he alone attended the enquiry not knowing that he could have taken the assistance of Defence Representative. He signed the Enquiry Proceedings believing the words of the Manager and he was furnished with the findings of the Enquiry Officer, which were again in English Language, and therefore he could not understand the findings of the Enquiry Officer. He was not permitted to take the assistance of Defence Representative and therefore he was not given an opportunity to cross-examine the Management witness. The I party further stated that he has rendered 14 years of

clean service with a clean record and therefore the Management has caused injustice to him in removing him from service by way of dismissal order. He contended that the Domestic Enquiry was conducted against the established principles of law and against the principles of natural justice and that his suspension during the course of enquiry was illegal. He contended that due to the impugned punishment order he and his family members are suffering and that he has not been gainfully employed though made efforts to seek the same after his dismissal from service. Therefore, the I party requested this tribunal to set the dismissal order and to reinstate him into service without consequential benefits.

6. The management by its counsel's statement, however, denied almost all the aforesaid averments made by the I party. His claim statement however not disputing the fact that the I party was placed under suspension during the course of enquiry and suspension order was in English. It also did not dispute the fact that the charge sheet was issued in English, proceedings of enquiry were conducted in English and findings of the enquiry was also were rendered in English. The Management however, disputed the fact that the I party did not know English Language and that he made a request either with the Management nor with the Enquiry Officer to pass suspension order in Kannada Language to conduct the enquiry in Kannada Language order to furnish enquiry findings in Kannada Language. The Management contended that the I party in the very first instance while giving his reply to the charge sheet in his own words admitted the charges of misappropriation of funds belonging to the bank and therefore question of I party not understanding the charges made in English did not arise. The Management contended that despite the admission of guilt by the I party it thought it proper to give reasonable opportunity to the I party to defend himself and therefore ordered an Domestic Enquiry against him; that the I party was read over and explained with the charges by the Enquiry Officer once again admitted the misconduct committed by him and just to afford fair and reasonable opportunity to the I party, the Enquiry Officer thought it proper to call upon the Management to lead oral and documentary evidence in support of the charges leveled against the I party; that the Management to be on the safer side therefore lead oral evidence of three witnesses, examined as MW 1 to MW 3 and got marked in all 35 documents at Ex MD 1 to MD 35; that the I party was called upon to cross-examine those witnesses but declined to do so once again admitting the charges of misconduct. It is for the same reason he also did not lead any evidence on his part though opportunity was given to him by the Enquiry Officer. Therefore on the conclusion of the enquiry, Enquiry Officer submitted his findings holding the workman guilty of the charges and based on the findings, the I party was dismissed from service. His appeal against the dismissal order was rejected. Therefore, the Management contended that Enquiry Proceedings conducted against the I party is

In accordance with the principles of natural justice giving fair and proper opportunity to him to defend himself and therefore it cannot be said that enquiry was in violation of principles of natural justice of that findings of the enquiry suffered from any perversity much less, to contend that order of dismissal was illegal and punishment was disproportionate.

7. Keeping in view the pleadings of the respective parties with regard to the validity and fairness or otherwise of the Enquiry Proceedings, my learned predecessor in the first instance took up the above said question by way of preliminary issue. The management examined the Enquiry Officer as MW 1 and got marked 5 documents at Ex M-1 to Ex M-5. On his part the I party examined himself as WW 1 and in his cross-examination other 3 documents namely Ex M6 to Ex M-8 were marked on behalf of the Management. After hearing the learned counsel for the respective parties my learned predecessor on 21-03-2003 answered by the above said issue in favour of the Management holding that the enquiry is fair and proper.

8. I have heard the learned Shri M.R.R. representing the I party and learned counsel for the management Shri K.G.N. Prasad for B.C. Prabhakar on merits of the case including the perversity of the findings and quantum of punishment.

9. Shri M.R.R. vehemently argued that the entire process of issuing of the charge sheet to the I party, holding of the enquiry, adducing oral and documentary evidence during the course of enquiry and the findings passed there on were all in violation of principles of natural justice in as much as, I party was victimized by the management taking undue advantage of his illiteracy and his sub-ordination to the then Manager of the branch obtaining his signature over certain papers amounting to admission of guilt by the I party. Learned Representative submitted that the proceedings conducted by the Management from the date of issuing the charge sheet and culmination of the Enquiry Proceedings resulting into the impugned punishment order were all done in English language not understood by the I party and thereby there was a miscarriage of justice crept in rendering the I party jobless after he served the Management with all honesty and sincerity for about a period of 14 years. His next contention was that the I party has nothing to do with the charges of misconduct levelled against him as he was not an official supposed to deal with cash transactions of the Bank so as to receive amounts from various customers of the bank and to be accounted for in the records maintained by the Bank, he being a 4th grade employee working as a Messenger. Therefore, when the I party was not at all the custodian of the cash transactions, it was wrong for the Management to hold responsible for the alleged charges of misconduct that too, letting off the cashier and other staff members of the bank involved in the matter.

10. Whereas, learned counsel for the management vehemently argued that the charges of misconduct were

proved against the I party not only in the admissions made by him as per his letter at Ex M-6 and Ex M-7, but also during the course of enquiry before the Enquiry Officer. Those charges were also established by the management by adducing very cogent and sufficient evidence in the statements of MW 1 and MW 3 and documents at Ex. MD1 to MD 35. Therefore, the I party now cannot be allowed to contend that the whole process of enquiry was bereft of legal sanctity or in violation of principles of natural justice taking an after thought contention that he knew only Kannada and not English Language. Particularly when he admitted the guilt in his own writing and signatures that too made in Kannada Language itself. Learned counsel further argued that keeping in view the documentary and oral evidence produced in the enquiry and cogent and valid reasonings given by the Enquiry Officer holding the workman guilty of the charges, it can never be said that the findings of the Enquiry Officer suffered from any perversity. He further contended that keeping in view the gravity of the misconduct committed by the I party not on one occasion but on several occasions misappropriating the funds of the bank, punishment of dismissal was the only the way out for the Management and therefore no sympathy could be shown to the party keeping in view the fact that the Management bank is supposed to be the custodian of the public money to be taken care of by the Officials of the Management itself. After having gone through the records, I find substance in the arguments advanced on behalf of the Management.

11. Keeping in view the findings recorded by this tribunal holding that the domestic enquiry conducted against the I party by the II party is fair and proper, the scope available to the I party to come out of the clutches of the impugned dismissal order was by way of establishing before this tribunal that findings of the enquiry on fact suffered from any perversity. The arguments advanced for the I Party once again challenging the Enquiry Proceedings are not at all available to him after finding was recorded by this tribunal on the said point. As far as perversity of the findings is concerned it is very much interesting to note that no where in the claim statement, the I Party has challenged or attacked the findings of the enquiry as suffering from any sort of illegality or perversity. Through out the claim statement he was very much content with the averments challenging the Enquiry Proceedings. The learned representative of the I party in his arguments also could not highlight or point out any defect with the findings of the Enquiry Officer either on the ground that there was no sufficient and legal evidence available on record or that the reasonings assigned by the Enquiry Officer were not cogent and valid having reference to the evidence brought on record. In order to see whether the findings of the Enquiry Officer are supported by sufficient and legal evidence, it appears to me worthwhile to bring on record the observations and the reasoning given by

the Enquiry Officer on each of the charge of misconduct levelled against the I party, as under :—

CHARGE NO. 1:—

In support of the Charge, the Presenting Officer has filed seven documents MD1 to MD7 and two witnesses. Shri B. S. Kirangi has not produced any documents and witnesses in defence.

The deposition by the MW 1 and MW 2 goes on record un rebutted as the charge sheeted employee. Has not cross-examined the MW 1 and MW 2. The deposition by the MW 1 is supported by the documents MD 1 to MD 3 and MD 5 to MD 7. The deposition by MW 2 is also supported by MD 4 to MD 7. The Management documents MD 1 & MD 2 are the letters given by Sri B. S. Kirangi dated 03-08-1998 and 24-10-1998 respectively confessing the misappropriation by him. MD 3 confirms that Sri P. C. Hunakunti received to SB 2543 the cash of Rs. 2,000 only on 24-8-1998. The slip is signed by Sri B. S. Kirangi for having credited Rs. 2,000 to SB A/c No. 2543 on 24-8-1998. MD 6 is the Pass Book of SB 2543, wherein there are scratches on the credit entry of Rs. 2,000 and outstanding balance. MD 7 shows no entry after 07-8-1998 MD 4, the letter dated 13-8-1998 by MW 2 supports the deposition of MW 2. Therefore the contents of the documents MD 1 to MD 7 and the deposition by MW 1 and MW 2 corroborate and goes on record. The same is un rebutted by the defence. In turn, Shri B. S. Kirangi has voluntarily agreed for having misutilised Rs. 2,000 cash of Sri G. C. Math. Therefore Sri B. S. Kirangi has misappropriated the cash of Rs. 2,000 of the Bank's customer.

CHARGE NO. 2:—

The Presenting Officer has filed 5 documents (MD8 to MD 12) and produced one witness (MW1) in support of the charge. Sri B. S. Kirangi has not produced any document/witnesses in defence.

The deposition by MW 1 goes on record un rebutted as the MW 1 was not cross-examined by Sri B. S. Kirangi. The Management documents MD 8 to MD 12 support the deposition of the MW 1. MD 8 is the letter by Shri C.D. Bure, account holder of SB 62, which state that he had given cash to Sri B.S. Kirangi for crediting to SB A/C. and he had not credited, but given credit later. MD 9 is the letter dated 13-8-1998 of MW 1. The contents of this document corroborate the deposition by MW 1. It states that Sri B. S. Kirangi took Rs. 1,200 from Sri C. D. Bure on 1-8-1998 for crediting to his SB A/c No. 62 but did not credit upto 22-8-1998. Sri B. S. Kirangi has made scratches in the Pass Book (MD 11). He credited Rs. 400 on 22-8-1998 (MD 10) MD 12 is the ledger sheet.

The deposition of MW 1, is corroborated by the

Management documents MD 8 to MD 12. Since there is no cross-examination of MW 1 by Sri B. S. Kirangi, the deposition by MW 1, goes on record to support the charge No. 2. In turn, Sri B. S. Kirangi has agreed for misappropriating cash of Rs. 1,200/- received from Sri C. D. Bure.

CHARGE NO. 3:—

The Management documents MD 13 to MD 21 (eight documents) are filed by the Presenting Officer in support of the charges. The Presenting Officer has also produced three witnesses, MW 1 to MW 3 in support of the charge. There is no witness and no document produced by Sri B. S. Kirangi in defence. MD 13, MD 15 and MD 14 are the letters dated 13-8-1998 made and signed by the Management witnesses MW 1, MW2 and MW3 respectively. The contents of MD 13 support the deposition of MW 1. Likewise the contents of MD 15 and MD 14 support the deposition by MW 2 and MW 3 respectively. MD 16 and MD 17 are credit slips dated 8-8-1998 and MD 18 is the credit slips dated 22-8-1998. MD 19 is the PD Pass Book, MD 20 A, B, C, are the cash scrolls and MD 21 is the certified copy of the PD Ledger (A/c. No. 458). The transactions appearing in the documents MD 16 to MD 21 reveal that Sri B.S. Kirangi credited Rs. 400 to PD 458 on 22-8-1998. Sri B.S. Kirangi has not credited the amount on 8-6-1998 and 8-7-1998 these two entries made in the PD Pass book and Ledger are false. In Pass book he has forged the initials.

Therefore the deposition by MW 1, MW2, and MW 3, goes on record un rebutted as there was no cross examination of these witnesses by Sri B. S. Kirangi. The deposition of witnesses and documents corroborate and confirm the misappropriation of Rs. 400 of Sri N. G Handrala by Sri B.S. Kirangi. Sri B.S. Kirangi has not denied the misappropriation and in turn has agreed for having misappropriated Rs. 400/- of Sri. N.G. Handrala. He has reccredited Rs. 400/- to Bank on 22-8-1998.

CHARGE No. 4:—

Five documents (MD 22 to MD 26) were filed and 3 witnesses were produced by the Presenting Officer in support of the Charge. The charge sheeted employees has not produced any document/witness in defence.

The deposition by MW 1, MW 2 and MW 3 corroborate each other. MD 22 is a letter of Sri B.S. Kori. The contents of this letter, is supported by the deposition by MW 1 and MW 2. MD 23, MD 24 are the counterfolios for Rs. 200/- & Rs. 300/- each and show the signatures of Cashier and Manager which are forged by Shri B.S. Kirangi. MD 25 is credit slip

for Rs. 500 dated 22-8-1998 signed by Sri B.S. Kirangi for having reccredited the amount to RT 22/96. MD 26 is a ledger extract of RT 22/96 account. The contents of Management documents MD 22 to MD 35 are corroborated by the deposition of MW 1, MW 2 and MW 3. Therefore Sri B.S. Kirangi misappropriated Rs. 500 of Sri B.S. Kori. He forged the signatures on counter folios. From the above, it leads to believe that Sri B.S. Kirangi has misappropriated Rs. 500 of Sri B.S. Kori which he reccredited to RT A/c. No. 22/96 only on 22-08-1998.

CHARGE NO. 5.—

The Presenting Officer has produced one witness (MW 1) and 5 documents (MD 27 to MD 31) in support of the charge. Sri B.S. Kirangi has not produced any witness documents in defence. MD 27 is the letter dated 14-8-1998 by Sri S.R. Marabhavi alleging that his amount of Rs. 500 given to Sri B.S. Kirangi not credited to his PD A/c. No. 414. MD 29 is another letter dated 22-8-1998 by Sri S.R. Mahalabhavi stating that his PD Account reccredited on 14-8-1998. MD 28 is credit slip dated 14-8-1998 showing credit of Rs. 500 to PD 414. MD 30 is cash scroll dated 14-8-1998 and MD 31 the certified copy of PD 414, showing credit of Rs. 500 on 14-8-1998. The deposition by MW 1, corroborate the contents of MD 27 to MD 31.

The deposition of MW 1 goes on record to confirm that Rs. 500 received by Sri B.S. Kirangi from Sri S.R. Mahalbhavi was not credited to PD 414 upto 14-8-1998 and he reccredited only on 14-8-1998. The deposition goes on record unrebutted as there was no cross-examination by the charge sheeted employee. In turn, Sri B.S. Kirangi has agreed for misutilising the said amount. The deposition of MW 1 corroborate MD 27 to MD 31. Hence it leads to believe that Sri B. S. Kirangi has misutilised Rs. 500 of the customer.

CHARGE NO. 6.—

The Presenting officer has filed 4 documents (MD 32 to MD 35) and produced one witness (MW1) in support of the charge. Sri B. S. Kirangi has not produced any witnesses/documents in defence.

MD 32 shows the credit of Rs. 1,100 to PD 451 on 22-08-1998. The slip is signed by Sri B.S. Kirangi. MD 33 letter by Sri V. M. Bailapattar States what he had paid Rs. 1,100 on 17-7-1998 to Sri B. S. Kirangi for crediting to his PD 451 but he credited it only on 22-8-1998. MD 34 is certified copy of PD 451, shows credit of Rs. 1,100 on 22-8-1998. MD 35, the cash scroll also show the credit of Rs.1,100 on 22-8-1998.

The deposition by MW 1 corroborate the contents of MD 32 to MD 35. The deposition of MW 1 goes on

record as there was not cross-examination by the Charge Sheeted employee. The deposition of MW 1 unrebutted by the defence. The deposition of MW 1 and the documents MD 32 to MD 35 confirm that Sri B. S. Kirangi has misutilised Rs. 1,100 of Sri V.M. Bailapattar from 17-7-1998 to 22-8-1998. Sri B. S. Kirangi has also voluntarily disclosed the matter to MW 1 and agreed and reccredited the amount misutilised by him. Therefore it leads to believe that Sri B.S. Kirangi misutilised Rs. 1,100 of Sri V.M. Bailapattar.

16. The written arguments of Presenting officer and the charge-sheeted employee are received.

17. On appreciation of all the oral and documentary evidences and the admittance of charges by the Charge Sheeted employee on the foregoing pages, the reply to the issues framed by me is positive :

- (i) Sri B. S. Kirangi has misutilised the amounts received by him for crediting to the accounts SB 2543, SB 62, PD 458, PD 414, PD 451 and RT 22/96.
- (ii) Sri B. S. Kirangi committed misutilisation, Cheating, forgery falsification of Bank records, misuse of official position. He violated Regulation Nos. 17 and 19 of Staff Service Regulations of the bank.

I find that all the charges vide Charge sheet No. BGB/PER/468/98/dated 8-10-1998 are established against Sri B. S. Kirangi. By establishing all the charges, the management has proved that Sri B. S. Kirangi has shown dereliction of duty, acted detrimental to the interest of the Bank, cheated the customers and the bank, misutilised customers and Bank's money, committed forgery, falsified Bank records, misused official position, revealing lack of sincerity, honesty and integrity. He violated Regulation No. 17 and 19 of Staff Service Regulations of the Bank.

Hence, I hold Sri B.S. Kirangi, Messenger-cum-Sweeper (Under suspension), guilty of all the charges vide Charge Sheet No. BGB/PER/468/98 dated 8-10-1998."

12. Now therefore, in the light of the above, by no stretch of imagination it can be said that the findings suffered from perversity. To show that findings suffered from perversity it is to be substantiated by the I party that it was a case of 'No Evidence' or was a case of 'Insufficient Evidence'. In the instant case, as noted above, Management examined three competent witnesses including the Manager of the concerned Branch as MW 1 to MW 3 and as many as 35 documents were marked for the Management. As can be read from the Enquiry Proceedings at Ex M 4 and the Enquiry Report at Ex M-5, three management witnesses

were examined in the presence of the I party with reference to the documents at Ex MD 1 to Ex MD 35. At the end of the every deposition of the Management witnesses, the I party was called upon by the Enquiry Officer to cross-examine the Management witnesses if he wanted, but he declined to do so on the ground that he is admitting the charges itself. He also failed to adduce any evidence on his part on the same ground. Therefore, from the perusal on the evidence brought on record before the Enquiry Officer and the aforesaid reasonings assigned by him based on the said evidence, it cannot be said that the Enquiry Officer acted against the principles of natural justice either to conduct the Enquiry Proceedings or he committed any illegality in giving the findings holding the workman guilty of the charges. That a part it is not in dispute that the I party admitted the charges of misconduct by submitting his letters dated 13-08-1998 and 24-10-1998. In his cross-examination, the I party without any hesitation admitted that he gave those letters at Ex M 6 and Ex M 7. However, he added to say that they were taken by force. As argued for the Management, this plea of the I party is an after thought one as he made no such grievance either during the course of enquiry or while making the representation to the Disciplinary Authority in response to the findings of the Enquiry Officer supplied to him. Infact, the I party preferred an appeal challenging the dismissal order (Memorandum of Appeal) has been marked at Ex M-8 in his cross-examination, wherein in many words he once again not only admitted the charges of misconduct but also made it clear that he admitted those charges of misconduct while giving reply to the charge sheet itself and even then enquiry was ordered against him. He further stated that even during the enquiry he pleaded guilty making a request for lesser punishment. He then stated that the misused amount is very small i.e. Rs. 5,200.00 (Rupees five thousand two hundred only) and that is also repaid by him and that he himself misused the money only within a span of 6 to 8 months and therefore, the misutilisation of funds by him was for a temporary period and therefore, punishment of dismissal was not proportionate. Therefore with all these unequivocal and unambiguous admissions made by the I party in his appeal memo wherein he also admitted the fact of pleading guilty of the charges on the earlier occasions, now it is too much for the I party to contend otherwise by saying that he gave the said letters at Ex M-6 and Ex M-7 under threat or force. It is certainly an after thought and an improved defence taken by the I party to over come the charges of misconduct leveled against him. In the result, I am of the considered view that charges of misconduct against the I party have been proved beyond any shadow of doubt.

13. Now coming to the quantum of punishment, learned counsel for the Management cited that the two decisions namely —

- “1. 1994 (2) KLJ 425 — Bank of India — Regional Office, Bangalore, Vs. D. Padmanabhudu & anr.
2. 1998 LAB IC 2514 — Union Bank of India Vs. Vishwa Mohan.”

in support of his arguments not to disturb the punishment of dismissal. Our Hon'ble High Court in the case referred to supra made it abundantly clear that when an act of misappropriation has been proved by overwhelming the evidence and admissions, interest of an individual cannot over ride or be compromised and that court should not lightly consider the said fact while granting the relief. Moreover, their lordship of Supreme Court in a Catena of decisions have all along ruled that in case of proved misconduct of misappropriation of the funds, no leniency can be shown to the delinquent concerned. In the instance case also charges of misconduct as noted above have been proved by overwhelming sufficient and legal evidence. Further, misappropriation was done by the I party not on a single occasion but on six occasions that too within a period of six months. He went on misutilising funds belonging to the Management oblivious of the consequences and admitted the misconduct only when a charge sheet was issued to him. The arguments advanced for the I party that he is a illiterate and was doing a job of Messenger only and therefore, cannot be held responsible in the cash at transactions, in my opinion are baseless. Whether a Messenger or a Manager working in a Bank they are all the custodian of the public money. The I party as a Messenger in a small village like one on hand went on collecting certain amount from various customers who reposed faith in him that the amount will go to the bank in their accounts and therefore, he cannot disown his liability by saying that he was just a messenger nothing to do with the cash dealing. However, keeping in view the poor status for the I party, his unblemished services rendered and the length of service of 14 years he rendered with the Management, in my opinion ends of justice will be met if the dismissal punishment order is to be replaced with an order terminating his services so as to enable the I party to get his terminal benefits. In the result, reference is answered accordingly and following award is passed :

ORDER

The punishment of dismissal is hereby modified into punishment of termination of the services of the I party. He shall be entitled to the terminal benefits for the services he rendered with the Management till the impugned punishment order was passed.

(Dictated to the L D C, transcribed by him, corrected and signed by me on 18th March 2005)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 7 अप्रैल, 2005

का.आ. 1637.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय लोक निर्माण विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 3/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-04-2005 को प्राप्त हुआ था।

[सं. एल-42011/25/98-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 7th April, 2005

S.O. 1637.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref.No. 3/99) of the Central Government Industrial Tribunal/Labour Court No. II, New Delhi now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 7-4-2005.

[No. L-42011/25/98-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL CUM
LABOUR COURT-II, NEW DELHI
PRESIDING OFFICER: R. N. RAI**

I.D. No. 3/99

In the matter of :

Sh. Mahender Pal,

Through CPWD Karamchhari Union (Regd.),
Plot No. 1, Aram Bagh, Near Udasin Mandir,
Pahar Ganj, Delhi.

Versus

The Executive Engineer,
N.S.G.P./Div. No. IV,
CPWD, Manesar (Haryana),
Gurgaon (Haryana)-122001

The Chief Engineer (Outer),
CPWD, B-Block,
Curzon Road Barracks,
New Delhi-01

AWARD

The Ministry of Labour by its letter No. L-42011/25/98-IR (DU) Central Government Dt. 13-11-1998 has referred the following point for adjudication.

The point runs as hereunder :

“Whether the action of management of CPWD, Executive Engineer, NSCP Div. IV, Manesar, Gurgaon

in allowing Sh. Mahinder Pal, casual hand receipt, Beldar to work as typist and despatch clerk, since 1989 is justified and denying him the benefit of regularisation as typist and despatch clerk is legal and justified ? If not, to what relief the workman is entitled ?”

The claimant has filed statement of claim. In the statement of claim, it has been stated that the appropriate Government has referred the Industrial Dispute for adjudication to the effect that whether the workman is entitled to be regularised and if so what is the effect and consequences of such regularisation.

That the workman is the member of the CPWD Karamchhari Union (Regd.) Plot No. 1, Aram Bagh, Near Udasin Mandir, Pahar Ganj, Delhi and it is the same union which has espoused the cause of the workman for his regularisation.

That the workman has joined the management No. 2 as a Beldar on February 1989 but he worked in the post of typist cum despatch clerk from the date of joining since February 1989, the certificate is enclosed with the main petition and since his joining he has been continuously working as typist despatch clerk on casual labour under the control and supervision of the said management.

It is submitted that the workman and his union had raised an Industrial Dispute under section 10 of the ID Act which rendered in failure. It is stated that in the said proceedings of conciliation, the management had also filed its reply. However settlement could not be possible and the management was not agreeable for any kind of settlement. It is pertinent to submit here that in similar circumstances the same management had given enhanced salaries to workman who discharged duties of a higher post though placed lower than that.

It is submitted that the management intentionally and deliberately has withheld the legal entitlements of the workman.

That it is stated that the workman is a casual labour employee and has completed 240 days each year of working and is not being absorbed in the department for which he is entitled to. That it is stated that though the job performed by him are equal to that of regular typist/despatch clerk and he is getting the salary of job of Beldar, less wages are paid to him. So doctrine of equal pay for equal work should come to play in respect the above said workman. moreover he is entitled for regular posting as a clerk/despatch clerk/typist and he is being deprived of all such rightful claim which are extended to regular employees doing the similar job.

That it is stated that persons who are junior to the workman herein have been regularised at the intervention of Hon'ble Supreme Court and Hon'ble Central Tribunal and the workman herein has been deprived of his rights

rather punished for not having approached the courts of law.

That the workman is liable to be regularised as typist/despatch clerk since his 1st entry in the management keeping in view the judicial pronouncements in similar matters and his seniority should be counted from that date only.

The management has filed written statement. In the written statement it has been stated that the present reference is bad in law without application of mind and in a stereotype manner hence liable to be dismissed. That the claim petition is not maintainable as there arises no cause of action against the management and in the favour of the workman.

That the claim is not maintainable as the workman has not come with clean hands and concocted the material facts before the Hon'ble Tribunal. The claim appears to be less substantiated with facts. Hence the claim deserves dismissal being a misplaced re-supposition.

That the present reference is bad in law without application of mind and in a stereotype manner hence liable to be dismissed. It is absolutely wrong and vehemently denied that he worked in the post of typist cum clerk from the date of joining since February 1989 and since his joining has been continuously working as typist clerk on casual labour under the control and supervision of the said management. However it is submitted that in fact the workman has been performing his duties as daily wage worker on hand receipt. It is specifically mentioned that the workman does not fulfill the terms and condition for recruitment as typist cum clerk.

It is stated that even if it is presumed that the workman sometimes performed duties of typist clerk such assignment of job was neither lawful nor had the same sanction of competent authority if he had done such type of job it is made clear that the same as done by him at his own will to improve work experience which could have been beneficial to him to get a regular job later on in the Govt. or private body. Therefore while doing the job of a beldar it appears that he must have tried his best to get a regular job during this period when he could not qualify in spite of his best efforts to get a job of a typist etc. he had raised this dispute.

It is stated that there is no provision for engaging the typist on muster roll basis in the department of CPWD and the fact has very well been in knowledge of the workman. It is specifically wrong and denied that in similar circumstances the same management had given enhanced salaries to workman who discharged duties of a higher post though placed lower than that. However it is submitted that the department had not intentionally and deliberately withheld the legal entitlements of the workman. All dues have been paid and are being paid as per the rules and regulation. Rest of the para is a matter of record hence needs no reply.

It is submitted that NSGP is project circle created for limited period for NSG's works which is going to be closed in March 2000. Therefore are no such sanctioned posts in this project. The claim of the applicant is beyond permitted rules and regulations etc. and cannot be accepted.

That the para 5 of the claim petition is wrong and denied. However it is submitted that the workman as stated above was engaged as a daily rated casual beldar and being paid accordingly. It is being paid at par to these workers who had been engaged for the similar job.

It is submitted that the workman had never been engaged as a clerk typist. He was engaged as daily rated beldar on hand receipt and is still working as beldar. The recruitment of clerk typist are being done on direct recruitment basis through staff selection commission and from amongst departmental regular 'D' class employed as per rules.

The workman applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

The workman applicant is not turning up. Notices has been sent to him, despite services of the notices he has not turned up. However, both the parties have filed written arguments. Evidence by both the parties has been adduced. Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workman applicant that he was Casual labour employee and has completed 240 days each year of working and has not been absorbed in the department for which he is entitled to. The job performed by him is equal to that of regular Typist/Despatch Clerk and he is getting salary of Beldar so less wages are paid to him. Doctrine for "Equal Pay for Equal Work" should be followed in respect of the workman. He is being deprived of his original claim. Workmen junior to him have been regularised at the intervention of Hon'ble Supreme Court and Hon'ble Central Tribunal. The workman is being deprived of his rights. He deserves to be regularised at the post of Typist-Despatch clerk since his first entry in the management.

It was submitted from the side of the management that he was not appointed on the post of Typist cum Clerk from the date of joining since February 1989 and since his joining he has not been continuously working as Typist cum Clerk. The workman has been performing his duties as daily wage worker on hand receipt. He does not fulfill the terms and conditions for recruitment as Typist cum Clerk. Even if it is admitted that he performed duty of Typist cum Clerk such assignment of job has no sanction of the competent authority. If he has done such type of work he has done out of his own will. He wanted to work there to get regular job later on in the Government or Private Body so while doing the job of Beldar did some job of typing.

It was further submitted that there was no provision for engaging Typist on muster roll basis in the department of CPWD and the workman was in the knowledge of this fact. No workman has been given enhanced salary for discharging duties of higher post. The department had not intentionally and deliberately withheld the legal entitlement of the workman.

It was further submitted from the side of the management that NSGP is a Project Circle created for limited period for NCG's work, which is going to be closed in March 2000. There are no such sanctioned post in this project, since he was working at the project and the project is going to be closed in March 2000 he cannot be regularised at the post of Typist cum Clerk.

The workman applicant admitted in his cross-examination that he has no certificate of typing. In case he has no certificate of typing he cannot be given the post of Typist. He has further admitted in his cross-examination that when he applied in other departments for appointment he got certificate of typing from the management. He has also admitted that he has worked on project and compensation has been paid to him vide letter dated 31-01-2004 and he has received the compensation of Rs. 35,709 so as per the provision of the Industrial Dispute Act, 1947 he has been paid compensation as he was working on project and when the project came to an end his services also came to an end and he has been paid legitimate wages as such there is no force in the case of the workman applicant and he is not entitled to get any relief as prayed for.

The reference is replied thus :—

The action of the management of CPWD, Executive Engineer, NSCP Div. IV, Manesar, Gurgaon in allowing Sh. Mahinder Pal, Casual Hand Receipt, Beldar to work as Typist and Despatch Clerk, since 1989 is justified and denying him the benefit of regularisation as Typist and Despatch Clerk is legal and just. He is not entitled to get any relief as prayed for.

The Award is given accordingly.

Dated: 01-04-2005

R. N. RAI, Presiding Officer

नई दिल्ली, 7 अप्रैल, 2005

का.आ. 1638.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय अजमेर के पंचाट (संदर्भ संख्या) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-04-2005 को प्राप्त हुआ था।

[सं. एल-40012/54/98-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 7th April, 2005

S.O. 1638.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Ajmer as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which received by the Central Government on 7-4-2005.

[No. L-40012/54/98-IR (DU)]

KULDIP RAI VERMA, Desk Officer

अनुबंध

न्यायालय श्रम एवं औद्योगिक न्यायाधिकरण,
अजमेर (राज.)

पीठासीन अधिकारी : श्री जी. एस. शेखावत, आर एच जे एस

प्रकरण संख्या-सीआईटीआर-03/99

[रेफरेंस नं. एल.-40012/54/98/आई आर (डी यू)]

दिनांक 30-11-98]

भंवरलाल पुत्र श्री नैना जी नायक, ग्राम दहामली,
तहसील मारवाड़ा, जिला पाली

.....प्रार्थी

वगनाम

उपखंड अधिकारी (फोन्स) पाली

.....अप्रार्थी

उपस्थित : श्री पी.डी. खन्ना, विद्वान अधिवक्ता,

प्रार्थी : श्री अशोक माथुर, विद्वान अधिवक्ता, अप्रार्थी

दिनांक : 31-3-2005

अवार्ड

केन्द्र सरकार द्वारा प्रेषित विवाद निम्नानुसार है :—

"Whether the action of the Sub Divisional Officer (Phones) Pali in terminating the services of Sh. Bhanwarlal S/o Sh. Nainji Ex. Casual Labour is legal and justified? If not, what relief the workman is entitled to?"

नोटिस के उपरान्त उभय पक्ष उपस्थित आये। प्रार्थी ने अपने क्लेम के विवरण में अंकित किया है कि प्रार्थी ने प्रतिपक्षी के अधीन श्रमिक के पद पर प्रथम नियुक्ति की दि. 10-7-72 से 1986 तक लगातार नियमित रूप से कुल चौदह वर्ष तक कार्य किया है। प्रार्थी की मस्टर रोल पर हाजरी करते तथा वेतन भुगतान वाकूचरों के द्वारा करते थे। उक्त अवधि में कार्य करने का प्रतिपक्षी ने प्रमाण पत्र भी जारी किये। प्रतिपक्षी ने दिसम्बर, 87 को मौखिक आदेश से प्रार्थी की सेवायें बिना किसी नोटिस के, बिना किसी वेतन के, बिना किसी आरोप और जांच के अवैध रूप से समाप्ति कर दी। प्रतिपक्षी ने 11-3-97 से 14-3-97 के मध्य नियमित श्रमिकों की भर्ती की। किंतु प्रार्थी के आवेदन को अनदेखा कर दिया। प्रार्थी की सेवा समाप्ति के पश्चात् तोलाराम, भंवरलाल, दायाराम, जनवानमल और संपतलाल को नियमित किया। प्रार्थी के

विवाद उठाने पर वार्ता विफल होने पर भारत सरकार ने यह विवाद प्रेषित किया। प्रार्थी का सेवा पृथक्करण आदेश अवैध है क्योंकि प्रार्थी के एक वर्ष में एवं बारह माह में 240 दिन से अधिक नियमित रूप से कार्य करने पर भी औद्योगिक विवाद अधि. की पालना किये बिना नोटिस एवं वेतन और क्षतिपूर्ति दिये बिना प्रार्थी की सेवा समाप्त नहीं की जा सकती। प्रार्थी से कनिष्ठ श्रमिकों को सेवा में रखते हुए स्थाई कर दिया वरिष्ठता सूची जारी नहीं की। सेवा समाप्ति का आदेश अनफेयर लेबर प्रैक्टिस की परिभाषा में आता है और प्राकृतिक एवं न्याय के सिद्धांत के विरुद्ध है। प्रार्थी बेरोजगार बैठा है। प्रतिपक्षी ने धारा 25 एफ, जीएच, आई आदि का स्पष्ट उल्लंघन किया है। अंत में सेवा समाप्ति के दिसम्बर 87 के आदेश को निरस्त करते हुए निरंतर सेवा मानते हुए स्थाई चतुर्थ श्रेणी कर्मचारी के पद पर गत वेतन भत्तों सहित पुनर्स्थापित करने की प्रार्थना की है।

प्रतिपक्षी ने उत्तर में अंकित किया है कि प्रार्थी 10-7-72 से कार्यरत नहीं है और न ही कोई नियुक्ति दी गयी। प्रार्थी 10-7-72 से 1986 तक प्रतिपक्षी के यहां कार्यरत नहीं रहा। प्रार्थी ने प्रतिपक्षी के यहां पर सितम्बर 85 में पांच दिवस, अक्टूबर 85 में 23 दिवस, नवम्बर 85 में 25 दिवस, दिसम्बर 85 में 26 दिवस, जनवरी 86 में 27 दिवस, फरवरी 86 में 24 दिवस, मार्च 86 में 22 दिवस, अप्रैल 86 में 26 दिवस, मई 86 में 17 दिवस, जून 86 में 17 दिवस तथा अगस्त 86 में चौदह दिवस कार्य किया है। प्रार्थी ने जब-जब दैनिक वेतन भोगी के रूप में कार्य किया तब-तब उसे वेतन अदा कर दिया। प्रार्थी ने कभी भी पंद्रह वर्ष तक सेवा नहीं की है। यह गलत है कि दिसम्बर 87 में मौखिक आदेश से प्रार्थी की सेवा समाप्त कर दी हो। प्रार्थी बारह वर्ष तक मौन बैठा रहा न उसने कोई नोटिस दिया न ही बारह वर्ष तक सेवामुक्ति को चुनौती दी न कोई नाराजगी प्रकट की। इस प्रकार बारह वर्ष पश्चात् यह विवाद उठाना अवैध है। प्रतिपक्षी ने किसी भी नियमित श्रमिक को नहीं रखा है। प्रार्थी ने कभी भी बारह माह में 240 दिवस तक कार्य नहीं किया है। प्रार्थी को प्रतिपक्षी ने सेवामुक्त ही नहीं किया तो नोटिस, वेतन और क्षतिपूर्ति दिये जाने की आवश्यकता नहीं है। प्रार्थी ने किसी सूचना के स्वयं छोड़कर चला गया। प्रार्थी एक पिटीशन नं. 352/94 केंद्रीय प्रशासनिक अधिकरण के समक्ष प्रस्तुत की थी जो नं. 23-10-86 को निरस्त हो गयी और वह आदेश अंतिम हो चुका है, अतः यह विवाद चलने योग्य नहीं है।

प्रार्थी ने अपने क्लेम की संपुष्टि में स्वयं का शपथ पत्र प्रस्तुत कर प्रतिपरीक्षण करवाया है प्रलेखीय साक्ष्य में प्रदर्श डब्ल्यू 1 से 12 प्रलेखों की प्रतियां प्रदर्शित करवाकर प्रस्तुत की। प्रतिपक्षी ने लोकेन्द्र प्रसाद शर्मा उपमंडल अधिकारी का शपथ पत्र प्रस्तुत कर प्रतिपरीक्षण करवाया है और प्रलेखीय साक्ष्य में प्रदर्श एम-1 से 4 प्रलेखों की प्रतियां प्रदर्शित करवा कर प्रस्तुत की है।

उभयपक्ष का श्रवण किया, पत्रावली का अवलोकन किया। प्रार्थी के विद्वान अभिभावक ने निम्नांकित दृष्टांत प्रस्तुत किये :—

1. 1996 डब्ल्यू एल सी (यू.पी.) राज. 368,
2. 1999(1) आर एल आर 250,
3. 2004 एल आई सी एन ओ सी (2) देहली,

4. 2004 सुप्रीम कोर्ट 855,

5. 2004 एल आई सी (बांबे) 2505,

6. 2003 ए आई आर सुप्रीम कोर्ट 3553,

7. 1998 ए आई आर सुप्रीम कोर्ट 656,

प्रतिपक्षी के विद्वान अधिवक्ता ने निम्न दृष्टांत प्रस्तुत किये :—

1. 2005 ए आई आर एस सी डब्ल्यू 301,

2. 2000 आर एल डब्ल्यू राज. 542,

3. 2002 ए आई आर सुप्रीम कोर्ट 1147,

4. 2004 ए आई आर एस सी डब्ल्यू 5476,

5. 2004 ए आई आर एस सी डब्ल्यू 5134,

मैंने उभयपक्ष द्वारा प्रस्तुत सभी दृष्टांतों का ससम्मान अध्ययन किया।

जहां तक साक्ष्य का संबंध है, उभयपक्ष के साक्ष्यों ने अपने शपथ पत्र में अपने-अपने अभिवचनों में अंकित कथनों की ही पुनरावृत्ति की है। अतः उसका विस्तृत उल्लेख किये जाने की आवश्यकता नहीं है। प्रार्थी भंवरलाल ने प्रतिपरीक्षण में कथन किया है कि उसने 10-7-72 से अक्टूबर 87 तक काम किया है। प्रदर्श डब्ल्यू-1 सही पेश किये हैं। प्रदर्श डब्ल्यू 2 भी सही पेश किया है। यह सही है कि उसने 85 में 148 दिन, 86 में 188 दिन, काम किया है। आगे कथन किया है कि उसने बाकी भी काम किया है। 1987 में 63 दिन, काम किया है यह बात सही है। जब तक उसने काम किया उसे वेतन मिल चुका है। प्रतिपक्षी विभाग में नियुक्ति के नियम बने हुए हैं। तोलाराम, भंवरलाल, दयाराम, जनवानमल, संपतलाल की नियुक्ति की तारीख वह नहीं बता सकता लेकिन उसके बाद में आये हैं। प्रतिपक्षी साक्षी लोकेन्द्र प्रसाद शर्मा ने प्रतिपरीक्षण में कथन किया है कि प्रार्थी वर्ष 1972 से 1986 तक निरंतर नियमित रूप से श्रमिक के पद पर कार्य किया हो यह गलत है। प्रार्थी का वेतन भुगतान मस्टर रोल से ही होता था। उपस्थिति का प्रमाण पत्र प्रार्थी को जारी कर दिया जाता था। सन् 1972 से 1986 के मस्टर रोल अब विभाग में उपलब्ध नहीं है क्योंकि पांच वर्ष पश्चात् अभिलेख समाप्त कर देते हैं। यह सही है कि प्रार्थी को वर्ष 1972 से 1986 के समय में कार्य करने के प्रमाण दिये हैं। उसे यह पता नहीं कि दिसम्बर 1987 से मौखिक आदेश से हटाया हो। प्रार्थी रिकार्ड के अनुसार स्वेच्छा से नौकरी पर नहीं आया। उन्होंने न कोई आरोप पत्र दिया न कोई स्पष्टीकरण मांगा। दैनिक वेतनभोगी कर्मचारियों की कोई वरिष्ठता जारी नहीं हुई। तोलाराम, भंवरलाल, दानाराम, झब्बरमल, संपतलाल प्रार्थी से कनिष्ठ नहीं थे बल्कि सीधी भर्ती नियोजन कार्यालय से आये थे और पांचों एस.टी. जाति के थे। यह कहना गलत है कि प्रार्थी ने एक वर्ष या बारह महीने में 240 दिन से अधिक कार्य किया हो। पैरा नं. 6 में बताया गयी अवधि में रविवार नहीं जोड़े गये हैं। प्रदर्श डब्ल्यू 1 प्रदर्श डब्ल्यू 10 तक के विभाग द्वारा जारी प्रमाण पत्र सही हैं। प्रदर्श डब्ल्यू 1 में 10-7-72 से अवधि बतायी गयी है। यह गलत है कि जनवरी 86 से अगस्त 86 तक 249 दिन प्रार्थी ने कार्य किया हो।

इस प्रकार यह स्वीकृत तथ्य है कि प्रार्थी की सेवा समाप्ति के पूर्व प्रार्थी को धारा 25एफ औद्योगिक विवाद अधि. के अंतर्गत न कोई नोटिस

दिया, न कोई वेतन या क्षतिपूर्ति की राशि दी। यह भी स्वीकृत तथ्य है कि प्रदर्श डब्ल्यू 1 से 10 तक के प्रलेख प्रतिपक्षी द्वारा जारी किये गये हैं। प्रतिपक्षी की प्रतिरक्षा है कि प्रार्थी ने बारह माह में 240 दिन किसी भी वर्ष में कार्य नहीं किया और वह स्वयं ही कार्य पर नहीं आया इसीलिए बारह वर्ष तक मौन बैठा रहा और उसके पश्चात् यह विवाद उठाया है।

प्रस्तुत प्रकरण में यह निर्धारित करना है कि क्या प्रार्थी ने प्रतिपक्षी के यहां धारा 25एफ संगठित 25बी औद्योगिक विवाद अधि. के अंतर्गत एक वर्ष तक निरंतर सेवा की। धारा 25एफ के अंतर्गत किसी श्रमिक के एक वर्ष तक निरंतर सेवा करने पर उसकी सेवा समाप्ति से पूर्व एक माह का नोटिस या एक माह का वेतन और क्षतिपूर्ति की राशि दिया जाना आवश्यक है। एक वर्ष तक की निरंतर सेवा के संबंध में धारा 25बी(1) एवं (2) में प्रावधान है। धारा 25बी (2) में यह प्रावधान है कि जो मामले धारा 25बी(1) में नहीं आते हैं उनमें कोई श्रमिक सेवा समाप्ति से पूर्व गत बारह माह में 240 दिन कार्य कर लेता है तो उसका वह कार्य एक वर्ष तक की निरंतर सेवा माना जावेगा। प्रस्तुत विवाद में सेवा मुक्ति की कोई दिनांक अंकित नहीं है। प्रार्थी ने अपने क्लेम में दिसंबर 1987 के मौखिक आदेश से सेवा समाप्त करना अंकित किया है किंतु उसने प्रकट किया है कि उसने सन् 1972 से 1986 तक चौदह वर्ष तक नियमित कार्य किया है। इस प्रकार उसने यह अंकित नहीं किया कि उसने जनवरी 1987 से दिसंबर 1987 तक बारह माह में कोई कार्य किया हो। किंतु सेवा समाप्ति दिसंबर 87 में करना अंकित किया है। दिसंबर 87 से गत बारह माह में प्रार्थी ने कोई कार्य किया हो इसकी कोई प्रलेखीय साक्ष्य भी प्रस्तुत नहीं की। केवल प्रदर्श डब्ल्यू 10 में प्रार्थी का जनवरी 1987 में 21 दिन फरवरी 87 में 23 दिन और मार्च 87 में 19 दिन कुल 63 दिन ही कार्य करना बताया गया है। सेवा समाप्ति से गत एक वर्ष में प्रार्थी ने 240 दिन तक कार्य किया हो इस संबंध में प्रार्थी के अभिभावक ने भी कोई बहस नहीं की है। इससे स्पष्ट है कि प्रार्थी का यह मामला धारा 25बी(2) के अंतर्गत नहीं आता है। जहां तक धारा 25बी(1) सपठित 25एफ का संबंध है, प्रार्थी द्वारा एक वर्ष तक बिना सेवा किया जाना आवश्यक है जिसमें बीमारी, स्वीकृत अवकाश या दुर्घटना या हड़ताल और अवैध नहीं हैं या लॉक-आउट जिसमें श्रमिक का कोई दोष नहीं हो, की अवधि भी सम्मिलित मानी जावेगी। प्रार्थी के विद्वान अभिभावक का तर्क है कि प्रार्थी ने 1-7-85 से 6-6-86 तक एक वर्ष की अवधि में 270 दिन अर्थात् 240 दिन से अधिक कार्य किया है। उनका तर्क है कि प्रदर्श डब्ल्यू 4 के अनुसार जुलाई, अगस्त, सितंबर 85 में कुल 69 दिन (एम-1) सितंबर, अक्टूबर, नवंबर, दिसंबर 85 में 79 दिन, प्रदर्श डब्ल्यू 6 (एम-3) के अनुसार जनवरी, फरवरी 86 में 51 दिन, प्रदर्श डब. 9 (एम-4) के अनुसार मार्च 86 में 22 दिन, प्रदर्श डब्ल्यू 8 (एम-2) अप्रैल से जून 86 तक 49 दिन कुल 270 दिन कार्य किया है। इस प्रकार उनका तर्क है कि 96 डब्ल्यू एल सी (राज०) यू. सी. 368 दृष्टांत के अनुसार प्रार्थी ने उक्त एक वर्ष की अवधि में 240 दिन से अधिक कार्य किया है। उनका यह भी तर्क है कि प्रार्थी को केवल किसी भी एक वर्ष में 240 दिन तक कार्य किया जाना सिद्ध करना आवश्यक है, प्रत्येक वर्ष में 240 दिन तक कार्य किया जाना सिद्ध करना आवश्यक नहीं है। मैंने इस तर्क पर विचार किया। उक्त दृष्टांत में प्रतिपादित सुंदर सिद्धांत से मैं पूर्णतः सहमत हूं। उक्त दृष्टांत

के अनुसार मेरे विनम्र मत में धारा 25बी (2) के अंतर्गत मामलों में ही सेवा समाप्ति से पिछले एक वर्ष की अवधि में ही 240 दिन तक कार्य करने को एक वर्ष की निरंतर सेवा माना गया है। सेवा समाप्ति से गत वर्ष के अतिरिक्त अन्य वर्षों में 240 दिन कार्य करने के एक वर्ष की निरंतर सेवा नहीं माना गया है। सेवा समाप्ति से गत वर्ष के अतिरिक्त अन्य वर्षों के संबंध में धारा 25बी(1) के प्रावधान आकर्षित होते हैं। धारा 25 एफ एवं धारा 25 बी(1) एवं (2) के प्रावधानों से यह स्पष्ट है कि अन्य वर्षों के संबंध में प्रार्थी को किसी भी एक वर्ष की निरंतर सेवा धारा 25बी(1) के अंतर्गत सिद्ध करना आवश्यक है, जो बिना विचन के और उक्त धारा में वर्णित प्रावधानों के अवकाशों को सम्मिलित करते हुए मानी जावेगी। यदि 1-7-85 से जून 86 के कार्य दिवसों की गणना की जावे तो उक्त प्रलेखों के अनुसार 270 दिन ही होती है। 270 से अन्य दिवसों के संबंध में प्रार्थी ने ऐसा कोई विवरण या अभिलेख प्रस्तुत नहीं किया है जिसमें धारा 25बी(1) में वर्णित अवकाशों को सम्मिलित किया जा सके। धारा 25बी(1) के अंतर्गत प्रार्थी को निरंतर एक वर्ष की अवधि तक निरंतर सेवा करना सिद्ध करना आवश्यक है। प्रार्थी द्वारा उक्त प्रलेखों से स्पष्ट है कि कार्य दिवसों में अनेक दिन के गेप है और ये गेप क्यों हैं यह प्रार्थी ने स्पष्ट नहीं किया। अतः प्रार्थी की धारा 25बी(1) के अंतर्गत निरंतर एक वर्ष की सेवा उक्त अवधि में नहीं मानी जा सकती। अन्य वर्षों के संबंध में प्रार्थी ने समुचित विवरण प्रस्तुत नहीं किये हैं।

जहां तक विलंब का प्रश्न है, प्रार्थी ने सन् 1994 में केट में पिटीशन प्रस्तुत कर दी थी जो लगभग सात वर्ष पश्चात् थी। अतः यह विलंब वातक नहीं माना जा सकता। जहां तक प्रतिपक्षी के उद्योग होने के प्रश्न का संबंध है, माननीय उच्चतम न्यायालय ने 96(2) जे.टी. (एस.सी.) 457 के दृष्टांत को उलटते हुए एआईआर 98 एस.सी. 656 में यह प्रतिपादित कर दिया है कि पी. एंड टी विभाग उद्योग है। प्रार्थी द्वारा सेवा स्वतः छोड़ देना प्रतिपक्षी को सिद्ध करना है। प्रार्थी सेवा समाप्ति के पश्चात् पांच वर्ष तक चुप बैठा रहा। प्रार्थी ने अप्रैल 86 से दिसंबर 87 के मध्य कोई कार्य किया हो यह भी प्रार्थी ने कोई प्रलेख से प्रमाणित नहीं किया है न ही कोई ऐसा अभिवचन अंकित किया है। प्रार्थी दैनिक वेतन भोगी कर्मी था अतः उसका कर्तव्य पर आना या नहीं आना उसकी इच्छा पर निर्भर करता था। लगभग सात वर्ष तक प्रार्थी ने प्रतिपक्षी को न कोई नोटिस दिया न कोई कार्यवाही की, न कोई अवकाश का प्रार्थना पत्र प्रस्तुत किया इससे प्रकट होता है कि प्रार्थी स्वयं कार्य छोड़कर चला गया।

अंत में मैं इस निष्कर्ष पर पहुंचता हूं कि प्रार्थी की सेवा समाप्ति विधि-सम्मत है, प्रार्थी कोई अनुतोष प्राप्त करने का अधिकारी नहीं है। प्रार्थी ने निरंतर एक वर्ष तक सेवा करना सिद्ध नहीं किया है, अतः प्रतिपक्षी द्वारा औद्योगिक विवाद अधि. के धारा 25 एफ.जी.एच के प्रवधानों का उल्लंघन करना प्रमाणित नहीं है।

आदेश

फलतः प्रस्तुत विवाद का उत्तर इस प्रकार से दिया जाता है कि उपमंडल अधिकारी (फोन्स) पाली द्वारा श्रमिक भंवरलाल नैना जी की सेवा समाप्ति उचित एवं वैध है, प्रार्थी कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।

जी. एस. शेखावत, न्यायाधीश

नई दिल्ली, 7 अप्रैल, 2005

का.आ. 1639.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय लोक निर्माण विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, अजमेर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-4-2005 को प्राप्त हुआ था।

[सं. एल-42011/112/99-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 7th April, 2005

S.O. 1639.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ajmer as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 7-4-2005.

[No. L-42011/112/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

अनुबंध

श्रम न्यायालय एवं औद्योगिक न्यायाधिकरण,
अजमेर (राज.)

पीठासीन अधिकारी : श्री अतुल कुमार जैन, आर एच जे एस

प्रकरण संख्या-सीआईटीआर-08/2000

(केन्द्र सरकार का रेफरेंस पत्र क्र. ए-III-8(37) 28999-एलसी
दिनांक 1-8-00

1. रणसिंह पुत्र केसरसिंह
2. मोहनलाल पुत्र देवाराम
3. सिंहासन शाह पुत्र भगवान शाह
4. अशोक कुमार पुत्र राधेश्याम
5. धर्म सिंह नेगी पुत्र पदम सिंह नेगी
6. जोगीराम पुत्र रामचरण सभी चौकीदार, सीपीडब्ल्यूडी जरिये सेंट्रल पीडब्ल्यू डी शाखा अजमेर जरिये सचिव श्री रामगोपाल शर्मा, सीपीडब्ल्यूडी, ऑफिस कचहरी रोड, अजमेर

...प्रार्थीगण

बनाम

1. सहायक इंजीनियर अजमेर केंद्र उपमंडल केंद्रीय लोक निर्माण विभाग, अजमेर
2. कार्यपालक इंजीनियर, अजमेर केंद्रीय मंडल, केंद्रीय लोक निर्माण विभाग, अजमेर

...अप्रार्थीगण

उपस्थित : श्री बी.डी. गुप्ता, एडवोकेट, प्रार्थीगण की ओर से।

: श्री टहल बुलानी, एडवोकेट, अप्रार्थीगण की ओर से।

दिनांक : 5-2-2004

निर्णय अवाई

इस प्रकरण में केन्द्र सरकार से प्राप्त श्रम विवाद निम्न प्रकार था:—क्या इंसपेक्शन बेंगलो में तैनात चौकीदारों से नित्य आठ घंटे से अधिक ड्यूटी ली गयी तथा साप्ताहिक, राजपत्रित एवं राष्ट्रीय अवकाशों पर ली गयी ड्यूटी की एवज में ओवरटाइम भत्ता अदा नहीं करके सीपीडब्ल्यूडी, अजमेर में कोई अवैधानिक या अनुचित कार्य किया है एवं यदि हां तो प्रार्थी यूनियन किस अनुतोष को पाने की अधिकारी है।"

उक्त रेफरेंस न्याय/निर्णयन प्राप्त होने पर दिनांक 19-5-2000 को सीपीडब्ल्यूडी मजदूर यूनियन अजमेर के तत्कालीन सचिव श्री रामगोपाल शर्मा ने अपना स्टेटमेंट ऑफ क्लेम श्री डी.डी. गुप्ता, एडवोकेट के माध्यम से पेश किया था। विपक्षीगण की ओर से दि. 15-11-2000 को क्लेम का जवाब पेश किया गया है। क्लेम के समर्थन में गवाह सिंहासन शाह के हलफनामे दि. 24-12-03 तथा दि. 21-10-03 को पेश हुए हैं। उक्त गवाह के विपक्षीगण ने 7-4-03 को तथा दि. 2-12-03 को जिरह पूरी की है। प्रार्थीगण के दूसरे गवाह धर्मसिंह नेगी का हलफनामा दि. 18-4-02 को पेश हुआ है तथा उसने 4-9-02 को विपक्षीगण ने जिरह पूरी की है। प्रार्थीगण के तीसरे गवाह जोगीराम का हलफनामा 18-4-02 को पेश हुआ था तथा 9-10-02 को उसने विपक्षीगण से जिरह पूरी की थी। प्रार्थीगण के चौथे गवाह अशोक कुमार का हलफनामा 18-4-02 को पेश हुआ था तथा 9-10-02 को उससे विपक्षीगण ने जिरह पूरी की है। प्रार्थी का गवाह पांचूलाल तथा मोहनलाल जिरह के लिए हाजिर नहीं आया है। अतः उनके हलफनामा शहादत में नहीं पढ़े जायेंगे। प्रार्थीगण के पांचवें गवाह कर्णसिंह दि. 5-8-02 को पेश हुआ था तथा दि. 29-10-02 को उससे विपक्षीगण ने जिरह की है।

विपक्षीगण की ओर से प्रकरण में केवल मात्र एक गवाह मोहनलाल सहायक अभियंता को पेश किया गया है उसका शपथ पत्र दि. 17-6-03 को पेश हुआ था तथा प्रार्थीगण ने उससे दि. 24-9-03 को जिरह पूरी की है।

दस्तावेजी सबूत में श्रमिक पक्ष की ओर से प्रदर्श डब.-1 लगायत प्रदर्श डब.54 दस्तावेजात् शहादत में पेश किये गये हैं। विपक्षीगण ने केवल मात्र दो दस्तावेजात् ही क्रमशः प्रदर्श एम-1 एवं प्रदर्श एम-2 ही प्रदर्शित कराये हैं।

मैंने उभयपक्ष की बहस सुनी, उनके द्वारा प्रस्तुत बहस के लिखित सारांश का भी मैंने अवलोकन किया। पत्रावली में उपलब्ध समस्त दस्तावेजात् का मैंने पूर्ण अध्ययन किया, मेरा विवेचन निम्न प्रकार है :—

प्रार्थी पक्ष के सभी पांच गवाहों एडव. 1 सिंहासन शाह., एडव. 2 धर्म सिंह नेगी, एडव. 3 जोगीराम, एडव. 4 अशोक कुमार तथा एडव. 5 रणसिंह के बयानों से यह तो साबित होता है कि सीपीडब्ल्यूडी के इंसपेक्शन बेंगलो में तैनात चौकीदार को सामान्यतः रात और दिन

लगातार ड्यूटी देनी होती है। दो अथवा तीन कमरों के इन डाक बंग्लो/इंसपेक्शन बंग्लो में चौकीदार का काम केवल मात्र आने वाले आगंतुकों का नाम रजिस्टर में दर्ज करके कमरे की चाबी देना होता है। दो कमरों के डाक बंग्लो के लिए आठ-आठ घंटे ड्यूटी देने वाले तीन चौकीदार रखना सामान्य तौर पर सरकार की विधिगत प्रथा है। को देखते हुए संभव नहीं होना बताया गया है। इस संबंध में केंद्र सरकार के पत्रों की फोटो कॉपियां प्रदर्श एम-1 एवं प्रदर्श एम-2 पेश की गयी हैं। पत्र प्रदर्श एम-1 में सीपीडब्ल्यूडी के डायरेक्टर ने बताया है कि इंसपेक्शन बंग्लो के चौकीदारों पर निम्नम वेजेज एक्ट लागू नहीं होता है अतः उन्हें ओवरटाइम भत्ता दिया जाना संभव नहीं है। इस पत्र में यह भी बताया गया है कि सामान्यतः चौकीदारों को डाक बंग्लो में रहने के लिए मुफ्त काम चलाऊ व्यवस्था भी दी जाती है। पत्र प्रदर्श एम-2 में भी सीपीडब्ल्यूडी के डिप्टी डायरेक्टर ने बताया है कि इंसपेक्शन डाक बंग्लो के चौकीदारों को ओवरटाइम भत्ता दिया जाना संभव नहीं है हालांकि एस.ई./एक्स.ई.एन के कार्यालयों में काम करने वाले चौकीदारों को ओवरटाइम भत्ता दिया जा सकता है।

कर्मचारियों को ओवरटाइम भत्ता दिये जाने का प्रावधान सामान्यतः फैक्ट्रीज एक्ट अथवा निम्नम वेजेज एक्ट में होता है। फैक्ट्रीज एक्ट की धारा 69 वर्तमान प्रकरण में लागू नहीं होती है क्योंकि सीपीडब्ल्यूडी के इंसपेक्शन बंग्लो को फैक्ट्री की परिभाषा में शामिल नहीं किया जा सकता है। इसी प्रकार निम्नम वेजेज एक्ट की धारा 14 के तहत भी केवल मात्र उन कर्मचारियों को ओवरटाइम भत्ता मिल सकता है जो निम्नम वेजेज एक्ट के तहत न्यूनतम वेतन प्राप्त कर रहे हों। न्यूनतम वेतन से अधिक वेतन प्राप्त करने वाले कर्मचारियों को ओवरटाइम भत्ता देय नहीं होता है। इस संबंध में म्युनिसिपल काउंसिल, मुंबई के नोटिस 1998 एलएलजे सुप्रीम कोर्ट 815=1998 एलएलजे सुप्रीम कोर्ट पेज 298 उल्लेखनीय है। उक्त नज़ीर में माननीय न्यायालय ने नगरपालिका के उन कर्मचारियों को ओवर टाइम भत्ता देने से इंकार कर दिया था जो न्यूनतम वेतन से अधिक वेतन पहले से ही प्राप्त कर रहे थे।

एआईआर 1987 सुप्रीम कोर्ट पेज 820 आबिद/यूनियन ऑफ इंडिया में रेलवे में समान कार्य करने वाले एक कोच अटेंडेंट को ओवर-टाइम भत्ता मिल रहा था जबकि दूसरे को नहीं मिल रहा था तो माननीय सर्वोच्च न्यायालय ने समानता के आधार पर सभी कोच अटेंडेंट्स को ओवर टाइम भत्ता दिलाया था। उक्त नज़ीर वर्तमान प्रकरण में लागू नहीं होती है क्योंकि इंसपेक्शन बंग्लो में काम करने वाले चौकीदार फैक्ट्रीज एक्ट अथवा निम्नम वेजेज एक्ट के तहत नहीं आते हैं एवं सीपीडब्ल्यूडी को निम्नम वेजेज एक्ट के तहत अनुसूची में भी शामिल नहीं किया गया है।

एआईआर 1989 सुप्रीम कोर्ट पेज 1347 डी.एन. पनीकर/एस.ए.आई.सी. में भी केवल मात्र उन्हीं कर्मचारियों को ओवरटाइम भत्ता माननीय सर्वोच्च न्यायालय ने दिलाया है, जिन पर फैक्ट्रीज एक्ट अथवा निम्नम वेजेज एक्ट लागू होता था।

विपक्षीयण द्वारा उल्लेखित एआईआर 1966 सुप्रीम कोर्ट पेज 1284 वर्कमैन ऑफ बांबे पोर्ट ट्रस्ट बनाम ट्रस्टीज वर्तमान प्रकरण पर किस प्रकार लागू होगी यह विपक्षीयण ने नहीं बताया है। विपक्षीयण ने 1983 दिल्ली एफजेआर पेज 667 का हवाला भी अपनी लिखित बहस

में दिया है लेकिन उक्त नज़ीर अवलोकनार्थ इन्होंने समक्ष पेश नहीं की है।

अब हम इस बहस में प्रार्थी पक्ष की ओर से दी गयी अर्थाईस पृष्ठों की लिखित बहस का विवेचन करेंगे। :—

प्रार्थीयण की बहस के मुताबिक प्रार्थी नं. 1 ने ओवरटाइम आदि के 6,56,000 रु. से अधिक का क्लेम किया है अन्य प्रार्थीयण ने भी इसी प्रकार भिन्न-भिन्न राशियां उक्त मद में क्लेम की है। प्रार्थी अशोक कुमार ने खुद का क्लेम 2,61,000 रु. होना बताया है। इनमें से प्रार्थी सं. 2 पांचूलाल तथा प्रार्थी सं. 3 मोहनलाल साक्षी कक्ष में ही हाजिर नहीं आये हैं उनका क्लेम केवल मात्र उक्त कारण से ही खारिज होने योग्य है। जहां तक शेष पांच प्रार्थीयण का प्रश्न है, उनके बारे में भी अर्थाईस पृष्ठों की लिखित बहस में प्रार्थीयण के विद्वान अधिवक्ता यह स्पष्ट नहीं कर सके हैं कि प्रार्थीयण कौन से प्रवधानों के तहत ओवरटाइम भत्ता क्लेम कर रहे हैं। जहां तक साप्ताहिक अवकाश, राष्ट्रीय अवकाश अथवा राजपत्रित अवकाश पर प्रार्थीयण से काम लेने का प्रश्न है, सेवा नियमों में ऐसा प्रावधान है कि अवकाश के दिन प्रार्थी को ड्यूटी पर बुलाया जाता है तो एक माह के भीतर वह उस ड्यूटी की एवज में कंपेंसेटरी लीव ले सकता है। प्रार्थीयण ने अवकाश पर ड्यूटी की होगी तो निश्चय ही उसने निर्धारित एक माह की अवधि में कंपेंसेटरी लीव का उपभोग कर लिया होगा। एक माह की अवधि गुजरने के बाद पिछले पांच-सात साल की कंपेंसेटरी लीव को इकट्ठा करने का कोई प्रावधान सेवा नियमों में नहीं होता है। उक्त वजह से प्रार्थीयण इस विलंबित स्टेज पर विपक्षीयण से कंपेंसेटरी लीव भी इकट्ठी प्राप्त करने के हकदार नहीं है। हमें बताया गया है कि उक्त इंसपेक्शन बंग्लो में अब सैनिक बोर्ड से दैनिक वेतन भोगी कर्मचारी मंगाकर चौकीदार के पद पर उनसे आठ घंटे प्रतिदिन के हिसाब से कार्य लिया जा रहा है। सरकारी कर्मचारी काम में ढिलाई बरतेंगे तथा काम से जी चुरावेंगे तो फिर सरकार को दैनिक वेतन भोगी कर्मचारियों से ही काम चलाना पड़ता है। सरकारी कर्मचारी दिन के पूरे चौबीस घंटे के लिए सरकारी कर्मचारी होता है, आठ घंटे के अलावा अतिरिक्त कार्य करने पर भी जिस प्रकार अधिकारियों, निजी सहायकों एवं सुपरवाइजरी कर्मचारियों को कंपेंसेटरी लीव भी नहीं मिलती है, उसी प्रकार निम्न वेतन भोगी कर्मचारियों को भी आठ घंटे से अधिक कार्य करने पर केवल मात्र कंपेंसेटरी लीव दिये जाने का प्रावधान होता है, ओवरटाइम भत्ता केवल मात्र फैक्ट्रीज एक्ट एवं निम्नम वेजेज एक्ट के प्रावधानों के तहत कतिपय कर्मचारियों को ही देय होता है एवं केंद्र सरकार का प्रत्येक कर्मचारी ओवरटाइम भत्ता प्राप्त करने का हकदार नहीं कहला सकता है। इस व्यवस्था के विपरीत यदि विपक्षीयण के किसी अधिकारी ने किसी कर्मचारी को ओवरटाइम भत्ता नियमों के विरुद्ध यदि दे भी दिया है तो ऑडिट ऑब्जेक्शन आने पर निश्चय ही विपक्षीयण उस भत्ते को वसूली संबंधित कर्मचारी से कर सकेंगे और इस संबंध में प्रार्थीयण के पक्ष में कोई समानता का अधिकार भी लागू नहीं किया जा सकता है।

उक्त विवेचन के आधार पर सभी सात प्रार्थीयण का क्लेम एतद्द्वारा खारिज किया जाकर अवार्ड इस प्रकार पारित किया जाता है कि प्रार्थीयण ओवरटाइम के मद में एवं अवकाशों में काम करने के बदले में विपक्षीयण से वेतन के अतिरिक्त अन्य कोई भत्ते प्राप्त करने के हकदार नहीं हैं।

अवकाश पर प्रार्थीगण से ऐसी ड्यूटी से एक माह की अवधि में कंपसेट्री लीव दी जाने के लिए विपक्षीगण से अपेक्षा की जाती है। एक पखवाड़े में कम से कम एक दिन का रेस्ट भी चौकीदार का कार्य करने वाले कर्मचारी को दिया जाना अपेक्षित होता है। इस संबंध में समय-समय पर सरकार द्वारा बनाये गये नियमों की पालना विपक्षीगण द्वारा की जानी भी अपेक्षित है।

अतुल कुमार वैभ, न्यायाधीश

नई दिल्ली, 7 अप्रैल, 2005

का.आ. 1640.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय लोक निर्माण विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 83/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-4-2005 को प्राप्त हुआ था।

[सं. एल-42012/290/94-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 7th April, 2005

S.O. 1640.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 83/95) of the Central Government Industrial Tribunal/Labour Court No. 1, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 7-4-2005.

[No. L-42012/290/94-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NEW DELHI

PRESIDING OFFICER: SHRI S. S. BAL

I.D. No. 83/1995

In the matter of dispute between :

Sh. Ram Chander S/o Shri Sumer Chand,
R/o 21/126, Trilokpuri, Delhi-91, through
Adhyaksh, C.P.W.D. Karamchari Union,
C-26, Bhai Veer Singh Marg
Gole Market, New Delhi.

.... Workman

Versus

The Executive Engineer,
Delhi Aviation Division,
East Block Level VII, CPWD,
R.K. Puram, New Delhi.

.... Management

APPEARANCES: Shri H.A. Khan, Advocate with
workman in person. Shri B.K.
Aggarwal for management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/290/94-IR (DU) dated 20-7-95/4-8-95 has referred the following industrial dispute to this Tribunal for adjudication.

"Whether the action of the management of CPWD, Executive Engineer, (Aviations Division) by not regularising the services of Shri Ram Chander and thereafter terminating the services w.e.f. 21-3-94 is just, fair and legal? If not, to what relief the workman is entitled?"

2. Brief facts of this case as called from record i.e. statement of claim and written statement/management's reply are that the workman Shri Ram Chander was appointed as M.L.D. (Driver) on daily rated basis on work order in May, 1989 by management and he had been working as full time Driver till his illegal termination. His salaries were paid through cheque except one payment was made in cash. The workman made complaint against the management regarding regularisation of his services to the A.L.C. New Delhi on 27-12-93 and on account of that his services were terminated on 21-3-94 during the course of conciliation proceedings. The workman has completed 240 days and he was entitled to be regularised as per dated 18-8-93. The termination of his services is in violation of the order of the Supreme Court and under Section 22 of the I.D. Act and order of D.G. dated 18-8-93 workman claims full wages with all benefits w.e.f. date of his termination till reinstatement.

3. The case has been contested by the management by filing reply wherein it was admitted that workman worked as M.L.D. (Driver) in the department wherein it was stated that workman appointed as M.L.D. Driver on contract basis on work order. He was never appointed by the department as claimed. The payment of the work done on work order was generally paid by cheque by the department while salaries of the workers are paid in cash. The services of the workers were discontinued on 21-3-93 on the expiry of work order (contract period) as the services were not required further, the same were not discontinued on any complaint of the worker to the A.L.C. The workman is not employee of C.P.W.D. Hence the question of terminating services done not arise and as such there is no violation of the provisions contained in section 33 of the I.D. Act, 1947. He has been paid full amount as per work order and nothing is due to him from the department. It is further stated that Director General, CPWD, New Delhi vide letter dated 18/25-5-94, D.G. (Works) CPWD New Delhi has conveyed no worker on work order shall be regularised even prior to 19-11-1985. Workman is not entitled to regularisation in service as claimed and he is also not entitled to the relief claimed.

4. Written statement was followed by rejoinder wherein the contents of the written statement were refuted controverted and those of the claim statement were reiterated to be correct.

5. Thereafter adducing of evidence by the both the parties arguments were addressed on behalf of the parties.

6. I have heard arguments addressed by A/Rs at length and perused the record carefully.

7. The point which requires determination in this dispute is whether the workman was daily rated employee of the management of CPWD or whether he was on contract basis. According to the workman-claimant it is stated that he worked as Driver with the CPWD and was its employee while management CPWD denies it and claims that he worked on contract basis as Driver and he was not a regular employee. But worked on daily basis on contract as claimed. Perusal of his cross-examination shows that in his cross-examination workman has stated that he was not issued any appointment letter in May, 1989, he does not know if he was working on contract basis or not. He used to be made payment partly by cheque and partly by cash. The perusal of cross-examination of the workman shows that workman himself is not aware whether he was appointed/working on contract basis. On the other hand in cross-examination MW1 Shri Akhilesh Kumar has stated that workman was not appointed. He was given a contract and on contract he worked up to 1992. Work order was taken for contract. There is no suggestion that the workman was not employed on contract. The perusal of the statement of workman in cross-examination who was examined as WW1 and the statement of MW1 go to show that the workman appointed on contract and not on daily rated basis and in view of the above discussions I am of the view that there is no material on record to show that the workman was appointed a Driver on daily rated basis or that he was employee of the CPWD as claimed and the possibility of workman's being employed on contract basis cannot be ruled out as he himself was unable to state in his cross-examination that he was employed on contract or not. In my view the workman is, therefore, not entitled to any relief claimed. The action of the management is legal and justified. Reference is answered accordingly.

Dated : 16-03-2005

S. S. BAL, Presiding Officer

नई दिल्ली, 7 अप्रैल, 2005

का.आ. 1641.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 206/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-4-2005 को प्राप्त हुआ था।

[सं. एल-40012/225/99-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 7th April, 2005

S.O. 1641.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 206/99) of the Central Government Industrial Tribunal/Labour Court No. I, New Delhi now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which was received by the Central Government on 7-4-2005.

[No. L-40012/225/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

PRESIDING OFFICER : SHRI S. S. BAL

LD. No. 206/99

In the matter of dispute between :

Shri Pitamber Dutt Uniyal,
C/o Lt. Col. Jagdish Prasad Joshi,
134/1, Suman Nagarm Dharampur,
Dehradun-248001.

..... Workman

Versus

The Sub Divisional Officer,
Telecom-Gopewar,
Distt. Chamoli-246424.

.....Management

APPEARANCES : Workman in person.
None for management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/225/99-IR (DU) dated 21-10-99 has referred the following industrial dispute to this Tribunal for adjudication:—

"Whether the action of the management of Telecom Department, Gopewar in terminating the services for Shri Pitamber Dutt w.e.f. 19-7-87 is legal and justified? If not, to what relief the workman is entitled and from which date?"

2. The case of the workman as per his claim statement is that he was appointed in the management of S.D.O. Telecom, Gopewar, District Chamoli on 1-9-1986 as Daily wages worker and he worked continuously and regularly till 19-7-87 for 280 days; that the work to be done in the management was of regular nature; that suddenly his services were discontinued and that no notice was given to him nor any retrenchment compensation was given to him; that the workman has filed reconciliation proceedings

before the ALC (C) Dehradun which is pending; that workers Junior to the workman are still working and after discontinuation of services of workman, other workers have been appointed and the workman has not been taken back on duty; that the management has not complied with the provisions of Section 25-F, G and H of the I.D. Act. It is prayed that the action of the management be declared illegal and the workman be reinstated in service with full back wages, continuity of service with all consequential benefits.

3. In the written statement filed by the management it is alleged that the management has not issued any appointment letter. He started working as daily wager on his own, that the work to be done was not of regular nature. It is denied that the services of the workman were discontinued suddenly on 19-7-87; that the orders of higher authorities were received to terminate the daily wages but no written order to terminate the workman was received and he left on his own. The Management neither admitted nor denied that the conciliation proceedings are pending before A.L.C. (C) Dehradun. It is denied that any junior to workman has been kept and provisions of Section 25-F, G and H are not complied with. Hence the management has stated that claim is liable to be dismissed as it has been filed on wrong facts.

4. In the rejoinder the workman denied the facts stated by Management and reiterated his averments made in the claim statement.

5. Evidence of workman recorded and despite several opportunities given to the management, workman was not cross-examined and opportunity to management to cross-examine the workman was closed and then case was fixed for management evidence on 2-12-2003, 8-3-2004, 19-5-2004 and on 6-7-2004 when the management was proceeded *ex-parte* and then for *ex-parte* evidence of and arguments case was adjourned to 12-10-2004 then 19-10-2004 *ex-parte* evidence of workman was recorded and arguments also heard.

6. In his affidavit/evidence workman has stated that he was appointed in the office of S.D.O. Telecom Gopeshwar on 1-9-86 and worked till 19-7-87 as casual labour for 281 days. He was terminated on 19-7-87 illegally and was not paid retrenchment compensation whereas his junior were given temporary status and regularised but he was not taken back on work. He prayed for reinstatement with full back wages.

7. I have heard authorised representative for the workman at length and perused the record. The workman

in his statement recorded on 19-10-04 stated that facts mentioned in his affidavit Ex. WW1/A are true and correct and his affidavit is duly proved as Ex. WW1/A. He also placed reliance on documents copies of which are exhibited as Ex. WW1/1 and 2 documents. Ex. WW1/2 is the copy of certificate dt. 18-8-98 purported to be issued under the signatures of S.D.O Telecom showing that the workman Pitamber Dutt has worked as C.L. (Casual Labour) under the Division, District Tehru under this Sub Division for LIT for 280 days month wise. Ex. WW1/2 is copy of certificate dated 18-8-98 from September, 86 to July 87. The management respondent has also not denied that he has so worked in the Division of management as casual worker for 281 days. Thus the management has also not denied the averments of the claim statement that the workman claimant has not been given any notice or notice pay/ retrenchment compensation. The case of the management is that the workman joined management Division himself as casual labour and abandoned the job of his own accord. This according to the management it is a case of abandonment of duties of job by the workman himself however, it is proved on record that from the affidavit of workman and from claim statement and reply of the management that workman worked at Sub Divisional Office Gopeshwar as casual labour on daily rated basis for 281 days w.e.f. 1st September, 86 to 19-7-87 and that he was not given any notice nor paid any retrenchment compensation as claimed by the workman. The plea of the abandonment of work by workman himself taken by the management is not substantiated. The respondent has failed to substantiate the plea that the workman abandoned the job of his own volition as stated in written statement. On the contrary there is nothing on record to show in the form of letter written by management respondent addressed to the workman asking him to join the duties. The plea of abandonment of job appears to be after thought and is misconceived and devoid of any merits and appears to have been taken to defeat the claim of the workman. In the absence of any notice and payment of any retrenchment compensation I am of the opinion that the workman has worked for 281 days in a year as casual labour under the Management department at Gopeshwar and as such he can be said to have worked for one year continuously and he has been retrenched without notice and payment of compensation and as such action of the Management of Sub Divisional Officer, Telecom is not legal and justified and workman being a casual labour in the Telecom Department which is an 'Industry' is a workman and the action of the management in terminating and not allowing the workman to work after 19-7-87 is in violation of the provisions contained in Section 25-F & G of the I. D. Act.

The workman has stated in his affidavit that he is entitled to unemployment compensation or wages during the period of his unemployment but he has nowhere specifically stated that he was not working gainfully during the period w.e.f. 1987. Therefore, in my opinion he is entitled to reinstatement with full back wages w.e.f. the date of his award. In view of the above discussions award is hereby passed.

Dated 17-3-2005

S. S. BAL, Presiding Officer

PRESIDING OFFICER: SHRIC. M. SINGH

Shri Kanchhedi Lal,
S/o Shri Sukhandi Lal,
Vill: Ratanpura, PO Patori
Tehsil Sihora, Distt Jabalpur (MP) Workman

VERSUS

The Divisional Railway Manager,
Central Railway,
Jabalpur (M.P.) Management

AWARD

नई दिल्ली, 7 अप्रैल, 2005

Passed on this 17th day of March, 2005

का.आ. 1642.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सैन्ट्रल रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या सी. जी. आई. टी./एल.सी./296/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-04-2005 को प्राप्त हुआ था।

[सं. एल-41012/129/99-आई. आर. (बी-1)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 7th April, 2005

S.O. 1642.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/ R/296/99) of the Central Government Industrial Tribunal/Labour Court Jabalpur now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Central Railway and their workman, which was received by the Central Government on 06-04-2005

[No. L-41012/129/99-IR(B.1)]

B. M. DAVID, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
JABALPUR**

NO. CGIT/LC/R/296/99

The Govt. of India, Ministry of Labour, vide its Notification No. L-41012/129/99 IR (B-1) dated 30-8-99 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of the Divisional Railway Manager, Central Railway, Jabalpur in terminating the services of Shri Kanchhendi Lal S/o Shri Sukhandi Lal, MRCL (Gangman) vide order No. E-22/DMO “E” /732 dated 4-12-1993 is legal and justified ? If not to what relief the workman is entitled ?”

2 After the reference order was received, it was duly registered on 13-9-1999 and notice were issued to the parties. The order sheet dated 26-4-03 reveals that the case proceeded *ex-parte* against the management and 24-7-03 was fixed for *ex-parte* evidence of workman. Thereafter several dates were fixed for *ex-parte* evidence of workman but the workman failed to adduce *ex-parte* evidence and ultimately absented himself on 22-6-04 the date fixed in the case. Lastly on 31-1-2005, one more opportunity was provided to the workman to adduce *ex-parte* evidence on 9-3-2005. But on 9-3-2005, nobody appeared for the parties. Thus ample opportunities have been provided to the workman to produce *ex-parte* evidence but the workman did not care to adduce *ex-parte* evidence. In this manner, it is quite clear from the above that the workman does not want to prosecute this reference.

3. Under the above circumstances, No Dispute Award is made without any order as to costs.

4. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 7 अप्रैल, 2005

SCHEDULE

का.आ. 1643.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साउथ सेंट्रल रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलौर के पंचाट (संदर्भ संख्या सी.आर. 44/03) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-4-2005 को प्राप्त हुआ था।

[सं. एल-41012/83/2003-आई आर (बी. I)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 7th April, 2005

S.O. 1643.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (C.R. No. 44/03) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of South Central Railway and their workman, which was received by the Central Government on 6-4-2005.

[No. L-41012/83/2003-IR (B. I)]

B. M. DAVID, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE**

Dated : 1st March, 2005

PRESENT

Shri A. R. SIDDIQUI, Presiding Officer

C. R. NO. 44/03

I Party

Shri G. V. Mahalhavaldar,
P.B. No. 136,
Devarajnagar, Heggeri,
Old Hubli.

II Party

The Chief Personnel Officer
South Central Railway,
Rail Nilayam
Secunderabad

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial disputes Act, 1947 has referred this dispute vide Order No. L-41012/83/2003- IR (B-I) dated 22/28th August 2003 for adjudication on the following schedule :

"Whether the management of Railways is justified in delaying the issue of promotion Orders to Shri G.V. Mahalhavaldar on refusal of promotion by Shri N.J. Krishna? If not to what relief the workman is entitled to?"

2. In response to the notices issued by this Tribunal, the first party sent his Claim statement through post whereas, Shri S.N. Sali advocate undertook to file vakalat for Second Party Management. Despite several opportunities given to the management, said advocate failed to file the Vakalat and failed to file any Counter Statement in response to the Claim Statement filed by the first party. Therefore, as per the order sheet dated 29-9-2004, the matter came to be posted for evidence to lead on behalf of the first party. On 15-10-2004 when the case was taken up for hearing, the first party remained absent. He also remained absent on 18-1-2005 and there will be no representation on their behalf. The proceedings were taken close for the purpose of evidence and case is posted for award.

3. The case of the first party as made out in the Claim Statement at Paras 1 to 4 runs as under :—

"That the seniority list is maintained by the department pertaining to Electrical department and copy is annexed herewith as Annexure 'A'. As per the Annexure 'A' my seniority is". S. No. 64. During promotion as per seniority list annexure 'A' the S. No. 63 is Shri N.J. Krishna. Shri. N. J. Krishna was not willing for promotion and rejected promotion. Hence I applied for promotion by letter dated 22-6-1994 to give promotion since Shri N. J. Krishna has given unwillingness letter for promotion. The promotion is to the AEF from i.e. Assistant Electrical Foreman to the scale of Rs. 1600-2660 as per promotion order bearing No. H.P. 535/VI/2/Vol. 4 dated 17-6-93. Copy attached herewith as annexure 'A'. The promotion is to be effective from 17-6-1993 since Shri N.J. Krishna was unwilling; I was entitled to said promotion as I am next senior in seniority list. Hence I applied for promotion in place of Shri N.J. Krishna. My application is kept pending and I am given promotion to said post on 31-5-1996 as promotion order bearing No. 1/P. 535/Sup/Elec./Vol. IV and copy is attached herewith as Annexure-A'3. I am promoted to said post w.e.f. 16-5-1996 at the scale 1600-2660.

Therefore till 16-5-1996, I was not promoted and post was kept vacant. Actually as per seniority list I would have been given promotion as on 17-6-1993 in place of Shri N.J. Krishna (resultant vacancy). Thus I am Deprived of Salary benefits of promotion post from 17-6-1993 to 16-5-1996.

As per new scale the said promotion post has pay scale Rs. 5,500 to Rs. 9,000/- from 1-1-1996. For my pay-scale my basic pay of old scale of Rs. 1900/-, the new scale should be Rs. 6025/- from 1-1-1996. Copy attached as Annexure '2'. Therefore, I am entitled to scale of Rs. 6025/- w.e.f. 1-1-1996. So also I am entitled to difference of pay from 17-6-93 to 16-5-1996.

4. Therefore, as per the averments in the Claim statement, it was incumbent on the part of the first party to have entered into the witness box or else to produce some oral or documentary evidence in support of his claim that there was delay in promoting him to the post of AEF and that he was entitled to difference of pay w.e.f. 17-6-93 to 16-5-96 treating him as promoted as on 17-6-1993. His main contention was that one Mr. Krishna who was promoted to the said post expressed his unwillingness to the said promotion to be given effect from 17-6-93 and therefore, the management was not justified in delaying his promotion to the said post from 17-6-93 till 16-5-96 on which date he was promoted to the said post being senior to the said Krishna. These were all the contentions to be established by the first party by adducing evidence on the point. It was for the first party to establish before this tribunal as whether he had right to seek promotion to the said post w.e.f. 17-6-93 and that the management was not justified withholding his promotion till 16-5-96. Since the first party has not come forward to substantiate his claim and the averments made in the Claim Statement, this tribunal has no alternative but to hold that there is no merit in the claim of the first party and accordingly the reference deserves to be rejected. Hence the following Award.

AWARD

The reference is rejected. No. order to cost. (Dictated to PA transcribed by her corrected and signed by me on 1st March, 2005)

A.R. SIDDIQUI, Presiding Officer

नई दिल्ली, 7 अप्रैल, 2005

का.आ. 1644.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पूर्वी रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (संदर्भ संख्या आई.डी. 115/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-4-2005 को प्राप्त हुआ था।

[सं. एल-41012/29/2002-आई आर (बी. I)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 7th April, 2005

S.O. 1644.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 115/2002) of the Central Government Industrial Tribunal/Labour Court Lucknow now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Eastern Railway and their workman, which was received by the Central Government on 6-4-2005.

[No. L-41012/29/2002-IR (B. I)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT

SHRIKANT SHUKLA, Presiding Officer

I.D. NO. 115/2002

L-41012/29/02/IR (B-1) Dated 28-6-2002

Between

Sh. Mashook S/o Late Nabi Bakash C/o Sh. Parvez Alam,
283/63 B Garhi Kannora (Premwati Nagar)
Post Manak Nagar, Lucknow-226002

The Sr. D.M.E. (S.M.D.)
Eastern Railway, DRM Office,
Ashok Marg, Lucknow/Sr. C.D.O.
Lucknow-226001

AWARD

The Government of India, Ministry of Labour referred the following dispute for adjudication to Presiding Officer, CGIT-cum-Labour Court, Lucknow.

"क्या प्रबन्धक, पूर्वोत्तर रेलवे लखनऊ द्वारा कर्मकार श्री माशूक पुत्र स्व. नबी बकश को दिनांक 13-11-96 से नौकरी से निकाला जाना उचित एवं न्याय संगत है ? यदि नहीं तो कर्मकार किस अनुतोष पाने का अधिकारी है।"

The workman's case in brief is that he was employed as Safaiwala, Ticket No. 698 w.e.f. 6-12-1965 in the office of C.D.O. (Coaching Depot Officer) Gorakhpur. The worker's allegations is that he was removed from the service by order dt. 13-11-96 without any show cause notice, charge sheet and the opportunity of defence violating the Railway's Regulations and I.D. Act, 1947

and without observing principle of natural justice. It is also alleged that the worker preferred an appeal against the said removal order and he continued sending reminders but the appeal has not yet been disposed. Worker has stated that the worker was physically sick and after the removal he has become more sick with the result that his family is subjected to condition where in it is not possible to arrange meal. He has further submitted that he has always been obedient during the course of his service and has been performing his duties without any complaint. He has therefore requested that his order of removal dt. 13-11-96 be set aside and should be reinstated with full back wages.

The Sr. Divisional Mechanical Engineer has filed written statement on behalf of employer where in it has been alleged that the worker absented without any prior intimation w.e.f. 18-11-94 to 20-10-96. For this unauthorised absence the disciplinary proceedings were initiated against him and during the disciplinary proceeding the worker was afforded full opportunity to defend himself and accordingly he has been removed from service. It has also been alleged that the worker has not submitted any appeal before the Appellate Authority. It is also alleged that the case is time barred and accordingly worker's statement of claim is liable to be dismissed.

Worker has filed rejoinder and has stated that the worker on 17-11-94 requested DRM, NER, Lucknow through Coaching Depot Officer, NER, Gorakhpur for voluntary retirement due to mental sickness and domestic problems. It is also alleged that Coaching Depot Officer, NER, Gorakhpur verbally denied the worker to take him on job and assured that his application will be forwarded to DRM, Lucknow. It is also stated that the worker is uneducated person and he is not aware of the rules and laws. He has also stated that on 13-11-96 he was orally informed that he was removed from service but no show-cause notice were served to him nor any punishment order was sent to him. The worker has filed photocopy of 2 applications paper No. 13/3 and 13/4.

Opposite party has filed the photocopy of enquiry proceeding paper No. C-15/1 to 15/8.

Opposite party has also filed paper No. C-19 to C-19/4 the other documents of disciplinary proceeding.

Worker has examined himself and closed his evidence.

The management has examined one carpenter III CDO, Gorakhpur namely Sohrat Prasad.

Heard learned representative of the parties and perused on record.

According to the workman he moved an application the contents of which are re-produced below:

श्रीमान मंडल रेल प्रबन्धक,

पू. उ. रे. लखनऊ

द्वारा सुनाई अधीक्षक पू.उ.रे. गोरखपुर

विषय : स्वैच्छिक सेवा निवृत्ति का प्रार्थना पत्र हेतु सविनय निवेदन है कि प्रार्थी दिनांक 6-12-65 के अधीन समनि अधीक्षक लखनऊ में सफाई वाला के पद पर कार्य करता था प्रार्थी ने 65 से 1992 में अपना स्थानान्तरण गोरखपुर खुद कराया था क्योंकि प्रार्थी की औरत हमेशा-2 बीमार रहती थी फिर भी प्रार्थी की औरत की तबीयत ठीक न होने के कारण प्रार्थी न तो कार्य कर पाता है जिससे प्रार्थी का दिमाग काम नहीं करता है जिससे प्रार्थी की किसी भी वक्त दुर्घटना हो सकती है इसलिये श्रीमान जी से प्रार्थना है कि प्रार्थी के बच्चों पर ध्यान देकर प्रार्थी को सेवानिवृत्ति करने की कृपा करें आप की महान कृपा होगी।

प्रार्थी

ह. माशूक

CWS R.K. गुप्ता

सफाई वाला

CDO मयूर साहन

टिकट नं. 698

गोरखपुर

The worker's representative has stated that the worker is illiterate person who hardly writes his name preferred the original copy of this CWS Sri R.K. Gupta who received on behalf of CDO, NER, Gorakhpur.

The worker's representative has also stated that the worker sent another letter to DRM, NER, Lucknow dt. 1-9-97 paper No. 13/4 and 13/5 which reads as under:

सेवा में,

श्रीमान डी.आर.एम. महोदय,

पूर्वोत्तर रेलवे

लखनऊ

संदर्भ : दण्डादेश स.एन.आई.पी.स.एम./सी.डी.ओ./नन/96 दिनांक 22-7-97

विषय : प्रार्थी को वाल्वीनटेरी रिटायरमेन्ट हेतु प्रार्थना पत्र

महोदय,

प्रार्थी विनम्रता पूर्वक निम्नलिखित निवेदन करना चाहता है :

(1) यह कि प्रार्थी दि. 6-12-65 को माननीय सी.डी.ओ. पूर्वोत्तर रेलवे गोरखपुर के अधीन सफाई वाले के पद पर नियुक्त हुआ था तथा दि. 17-11-94 तक लगातार कार्यरत रहा।

(2) यह कि प्रार्थी एक अनपढ़ एवं गंवार व्यक्ति है उसे विभागीय नियमों का कोई ज्ञान नहीं है प्रार्थी अत्यधिक गरीब व्यक्ति है

उसके पास अपने परिवार के भरण पोषण का कोई साधन नहीं है।

- (3) यह कि प्रार्थी आर्थिक तंगी के कारण अत्यधिक बीमार रहने लगा तथा पीलिया से ग्रसित हो गया। कुछ समय बाद मानसिक रूप से अस्वस्थ हो गया जिसकी सूचना एक प्रार्थना पत्र के माध्यम से अपनी पत्नी के द्वारा अपने अधिकारी महोदय को दि. 17-11-94 को प्रस्तुत करके सेवानिवृत्ति करने का प्रार्थना पत्र दी थी। प्रार्थना पत्र साथ में संलग्न है।
- (4) यह कि प्रार्थी इलाज कराने के बाद कुछ स्वस्थ होने पर अपने कार्यालय में अपनी पत्नी के साथ जाकर पता किया तो मालूम हुआ कि मुझे अनाधिकृत रूप से अनुपस्थित रहने के कारण एन.आई.पी.स.एम/सी.डी.ओ/नवम्बर/96 दिनांक 22-7-97 के अनुसार नौकरी से निकाल दिया गया है प्रार्थी इससे पूर्व भी कार्यालय गया था वहां उससे कुछ कागज हस्ताक्षर करा लिये थे परन्तु अनपढ़ होने के कारण व मानसिक अस्वस्थ होने के कारण उसके विषय में कुछ समझ नहीं सका।
- (5) यह कि प्रार्थी अपने इलाज के कारण अत्यधिक कर्जदार हो गया है तथा भुखमरी के कगार पर पहुंच गया है व जीवन में अंधेरा ही अंधेरा दिखाई दे रहा है तथा पेंशन के अतिरिक्त अन्य कोई सहारा नहीं है प्रार्थी को एक पैसे का भुगतान आज तक नहीं हुआ है। एक पढ़े लिखे व्यक्ति से प्रार्थना पत्र लिखवा कर प्रस्तुत कर रहा हूँ।

अतः आपसे करबद्ध प्रार्थना है कि प्रार्थी की पूर्व की सेवाओं को ध्यान में रखते हुये तथा दयनीय स्थिति से उबारते हुये उसे सेवानिवृत्त करते हुए पेंशन आदि का भुगतान करने हेतु आदेश प्रदान करने का कष्ट करें महान कृपा होगी।

दिनांक 9-9-97

प्रार्थी

ह. माशूक

सफाई वाला विट. नं. 698

सी. डी. ओ. गोरखपुर

The worker has been served the charge sheet dt. 8-11-96 on the charge of worker absenting himself from duty from 18-11-94 to 20-10-96 without information. According to the workman Sri Mashook the worker who has served more 20 years service in railways is entitled to the voluntary retirement benefits but his demand of voluntary retirement has been denied by the railways and according he has stated in examination in chief that he is entitled to retiral benefits. On the other hand the management witness carpenter Sohrat Prasad stated that Mashook never gave any application for retirement.

Sohrat Prasad has also stated that the worker did not stated during the enquiry proceeding that he at all requested for voluntary retirement.

From the evidence on record it is proved that during the enquiry proceeding against the worker in respect of alleged charge sheet, Mashook worker participated in the said enquiry on 12-7-97 however, he absented on 14-7-97.

It is evident from the statement of R. K. Srivastava on 14-7-97 that there is error in the statement of R. K. Srivastava who has stated that Mashook absented from 27-11-93 to 12-11-96. This shows that R. K. Srivastava has no knowledge of the case because according to him management case Sri Mashook absented from 18-11-94 to 20-10-96. It appears that R. K. Srivastava was not aware of the facts for which he was deposed.

It is true that worker is not educated person who is illiterate who hardly puts his name while signing it.

The worker representative has not challenged enquiry proceeding as a whole and he has admitted absent from 18-11-94 to 20-10-96 but at the same time he has also point out that the worker sought voluntary retirement vide his letter No. 13/3 and it is also argued by him that since the worker was not aware of the rules and regulations and therefore the application was not noticed at the time of enquiry but at the same time he has stated that the punishment order is to harsh and shocking. The representative of the workman has stated that the worker put his satisfactory services from 6-12-65 to 18-11-94. Thus the worker has successfully completed about 29 years of service and he was unable to continue in service i.e. the reason he wanted voluntary retirement so that worker could manage his family with the meager pens on which he could get. But unfortunately his application was put in dustbin by the office and the worker was deprived by legitimate pension and gratuity.

Opposite party representative Sri Rahul Nigam has argued the management case and stated that the worker was given opportunity to defend his case before enquiry officer but the worker himself opted to remain absent on 14-7-97. In case he brought the said facts before the enquiry officer the enquiry officer must have give his report accordingly to the disciplinary authority and disciplinary authority could have considered worker's case. He has stated that the worker has not been able to give application before the enquiry officer and before this court and therefore this facts does not lie in mouth of the worker's representative that he wanted voluntary retirement i.e. why he absented from duty. In totality of the fact that the worker after putting more than 25 years of service has been removed from service depriving him of pension and other retiral benefits due to his long absence. The question therefore arises whether in the circumstances of the case the removal of the service is disproportionate to misconduct. The worker's representative has stated that it may be looked that the worker is illiterate person he thought he has given application seeking his retirement

and therefore he will not be removed from the service. According to the Worker's representative there are in all 3 punishment which could not be awarded to an employee who absents from duty without information :

1. Dismissal from service
2. Removal from service
3. Compulsory retirement

The worker's representative has stated that in present case Mashook rendered blotless service in the railway w.e.f. 6-12-65 to 28-11-94. The worker does not pray that he should be reinstated with back wages. He only prays that his case should be given sympathetic consideration for compulsory retirement from service so that he could get some amount to enable his family members to get meal twice a day. Worker representative says that the punishment inflicted to the worker is disproportionate.

The management representative Sri Rahul Nigam has stated that the worker has not put forth his appeal before the Appellate Authority he ought to have filed his appeal and since he has not filed the appeal the issue is not maintainable. However, he has not been able to show any law to the fact that if the appeal is not filed then the dispute referred shall stand not maintainable.

The worker's representative has filed following case laws :

1. 2001 (89) FLR 435 of Hon'ble High Court, Allahabad between Union of India and Bishwanbhan TH Misra and another.
2. 2001 (91) FLR 613 of Hon'ble High Court, Allahabad between L/NK Musafir Adav and Commandant 47 Bn. CRPF, Gandhi Nagar and others.
3. 1984 (SC) page 481 of Hon'ble Supreme Court, between Hussaini vs Hon Chief Justice of High Court of Judicialini at Allahabad and others.
4. 1989 (SCC) (L&S) page 180 Scooters India Ltd. Lucknow vs. Labour Court, Lucknow.
5. 1984 AIR SC page 215 Union of India and others vs. Girraj Sharma.

I have carefully gone through the above case laws. The first case law refers to our own High Court, Allahabad where in respondent Bishwanbhan TH Misra was in railway service. He was removed from service or his absence without leave. Central Administrative Tribunal substituted by punishment of compulsory retirement and then enabled him to get pensionary benefits. Hon'ble Allahabad High Court ruled there is no reason to interfere with no error illegality committed by Tribunal.

Learned representative of the worker has stated that the said case is proper case law in the case of present worker Sri Mashook. The second case law referred above is a constable of CRPF who over stayed the sanctioned leave and remain absent from duty for 49 days. The Hon'ble High Court Allahabad came to the conclusion that the punishment of dismissal is too harsh and replaced by minor punishment. The 3rd case referred above is about government servant who was dismissed after 20 years of service. Punishment of dismissed converted into compulsory retirement on compassionate grounds to enable the applicant to earn retirement benefits.

4th case law stated is Scooters India Ltd. Lucknow and Labour Court, Lucknow and refers to the U. P. I.D. Act 47. In the said case law it has been laid down that despite findings management's enquiry against the workman to be fair and lawful, labour court setting aside the order of dismissal and order reinstatement with back wages having regard to the circumstances of the facts. On facts non-interference calls. That justice must be tempered with mercy and that the erring workman should be given an opportunity to reform himself and prove to be a loyal and disciplined employee of the petitioner company.

All the case law cited above give me guidelines that in such cases when worker has been absented without intimation should not be dealt with harsh punishment like that from the removal from service. I also come to the conclusion that the punishment inflicted on the workman is shocking and I also come to the conclusion that the court should be merciful in dealing with case when a worker completed 25 years of service. Therefore I come to the conclusion that punishment inflicted to the workman is shocking and harsh. It will meet the end of justice if the worker is ordered to be compulsorily retired from the service so that he may get the retiral benefits as per rules of railways. The issue is therefore answered accordingly against the management and in favour of the worker. The order of removal from service dt. 13-11-96 is therefore illegal and improper and the worker is entitled to relief of compulsory retirement from the date mentioned above.

20-3-2005

Lucknow SHRIKANT SHUKLA, Presiding Officer
नई दिल्ली, 7 अप्रैल, 2005

का.आ. 1645.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन. एफ. रेलवे के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय गुहाटी के पंचाट (संदर्भ संख्या 9/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-04-2005 को प्राप्त हुआ था।

[सं. एल-41011/27/2002-आई आर (बी. 1)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 7th April, 2005

S.O. 1645.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 9 of 2004) of the Central Government Industrial Tribunal-cum-Labour Court Guwahati now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of N. F. Railway and their workman, which was received by the Central Government on 06-04-2005.

[No. L-41011/27/2002-IR (B. D)]

B. M. DAVID, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

REFERENCE NO. 9 OF 2004

PRESENT:

Shri H. A. Hazarika, LL. B.

PRESIDING OFFICER

CGIT-CUM-LABOUR COURT, GUWAHATI

In the matter of an Industrial Dispute between :

The General Manager (P),
N.F. Railway, Guwahati.

—vrs—

The Workman,
Represented by the General Secretary,
Rail Mazdur Union,
N.F. Railway,
27/B. Rest Camp., Pandu.

Date of Award : 14-03-2005

AWARD

1. The Government of India, Ministry of Labour, New Delhi vide its Notification No. L-41011/27/2002-IR (B-1) dated 10-12-2002 referred this Industrial dispute arose between the Management of N. F. Railway and the workman Sri T. K. Baishya and Abul Naser for adjudication and to pass an order by exercising power conferred under Clause-D of Sub-Sec. (1) and Sub-Sec. (2 A) of Section 10 of the I. D. Act, 1947 on the basis of the following Schedule.

SCHEDULE

“Whether the action of the management of N.F. Railway in not granting the Group-C post/category to Shri Tapan Kr. Baishya and Abul Naser at the time of absorption to another Deptt. as surplus staff w.e.f. February 1998 is justified? If not, what relief Shri Tapan Kr. Baishya and Abul Naser are entitled to?”

2. On receipt of referred matter the State Industrial Tribunal, Guwahati issued notice to both the Parties. Having receipt the Notices both the parties appeared before the State Tribunal.

3. It is pertinent to note here that after establishment of CGIT-Cum-Labour Court for North East Region at Guwahati, record of proceeding is received by the CGIT-cum-Labour Court at Guwahati.

4. Meanwhile both the parties have submitted their written Statements, etc.

5. The case of the Workman briefly from their Written Statement is that they were appointed in Group-D category post in N. F. Railway's Security Department of Fire Service Wing in the year 1998 with all the benefits till their transfer in the Accounts Department on being rendered surplus due to freezing of the Fire Services Wing and at this stage their actual status was of Group-C Category. According to Board's revised policy and list of Group-C staff surplus was not available to them because of the non publishing of list by Management. As per Railway Board's policy relating to redeployment importance should be given to senior staff for absorption in the same pay and Scale Comparison to their junior staff. But in case of the workmen the Management has done whimsically violating the Railway Board's categorical instruction. They were Group-C employees enjoying the Scale of 4th as well as 5th Pay Commission but they were absorbed in Group-D category though their status was upgraded to Group-C and Scales with effect from 1-1-96. Both the workmen were working in the Fire Service Wing at Pandu and Guwahati respectively and those bases were closed in the year 1995. When an establishment is closed there ought to have been modelity of redeployment. The Management has not complied of modelity as a result of that they had to apply for their redeployment in the Accounts Department in Group-D Posts.

6. That for closure or freezing of particular Section of service the permanent employees are not responsible but Management is responsible.

7. That the Management did not try to settle all the claims of the workmen. Even before the Labour Commissioner the Management did not try to settle it.

8. That the inaction of the Railway Management has violated the principle of Natural Justice.

9. Hence, the workmen prayed to pass award to give them benefit of status of Group-C category with full protection of seniority and Pay and Allowances.

10. The case of the Management in brief is that the claim of the workmen is not maintainable in law.

11. That this Tribunal has got no jurisdiction to adjudicate the referred matter as it ought to have been before the Hon'ble Central Administrative Tribunal u/s 14 (A) of the CAT's Act 1985.

12. That the workmen namely Sri Tapen Kr. Baishya and Abul Naser applied to absorb them respectively in Group-D category Post and Junior Clerk in the Accounts Department in Maligaon.

13. That the applications of the workmen were accepted by the Competent authority for absorption in Scale of Rs. 2550—3200 for the Post of Peon vide office order No. G/454 dated 13-5-1999 and G/459 dated 13/14-05-98 with certain terms and conditions such as :—

- (i) That there seniority will be assigned
- (ii) They can not seek retransfer to their parent
- (iii) Their lien will be maintained in their Parent
- (iv) Their option to seek transfer as Peon in scale
- (v) No T.A., D.A., Transfer grant
- (vi) Their pay will be fixed as per extent Rules
- (vii) They can not seek transfer within one and

14. That the above terms and conditions are accepted by the workmen and there is no scope to reopen the matter as such Management prayed to dismiss the claim of the workmen.

15. The workmen Abul Naser appeared as W.W.1 and Tapan Kr. Baishya appeared as W.W. 2. Both of them are cross examined by the learned Advocate Mr. S. N. Choudhury for the Management.

16. Both the workmen deposed that at the time of their transfer to Accounts Section they were working in Group-C category having scale of 4th and 5th Pay Commission.

17. That they were told by the Management that Fire Wing will be abolished and to apply elsewhere as on abolition they will be surplus. Finding no other alternative they were compelled to apply in Group-D category but no surplus list was shown by the Management.

18. That their names are apparent in the seniority list.

In cross-examination W.W.1 deposed that he has not received any letter about abolition of Fire Wing of RPF. That in his application he has not mentioned that for being surplus in Fire Wing RPF, he had to apply for the post of Junior Clerk.

So also in cross-examination W.W. 2 deposed as regards the surplus, he was getting information from his office, but he has not received any written notices. He knows 6 workers junior to him were absorbed in Category-C which he objected. They denied in their deposition that Management has not committed any injustice to them by giving them Group-D post.

19. Heard the argument submitted by learned Advocate Mr. K. K. Biswas for the workman and Mr. S. N. Choudhury for the Management. Perused the evidence recorded by me and all other documents in the record.

20. The workmen claimed that they were enjoying the benefits of scale etc. of Group-C of 4th and 5th Pay Commission prior to their absorption in Category-D in Accounts Department. Afraid of the abolition of RPF Fire Wing and to be defuncted they complied the direction of the Management and under compelled circumstances they applied to get absorption in Accounts Department. Accordingly under compelled circumstances they joined.

21. The Management denied the ground agitated by the workmen that due to abolishment and being surplusd they were absorbed in the Accounts Department.

22. On perusal of evidence of solitary Management Witness I find the MW is evasived about the abolition of Railway Fire Wing and about surplus. The M.W. is also evasive about the exact status of workman at the stage of absorption from RPF Security to Accounts Department. Categorically the MW could not say that there was no question of abolishment, surplus and that they were not the workmen under Group-C category.

23. What I find both the workmen were enjoying the benefits of Pay and Status of the Category-C at the time of their absorption in Accounts Department. Admittedly they were absorbed in Category-D in Accounts Department.

24. I find there was question of abolition of RPF Fire Wing and to be surplusd. Being afraid to be surplusd due to abolition of RPF Fire Wing the Workmen joined in the Category D of the Accounts Department. Hence, the ground forwarded by the workmen about compelled circumstances has got force because no workman will select to be defuncted at the stage while they are earning their monthly salaries. On the other hand it is to be seen that no workman who is enjoying benefit of Pay of 4th and 5th Pay

Commission will choose to come to join in Category of law salary. So the ground of compelled circumstances is quite natural. During these sky high price rising days no workman will prefer to join in law salary leaving the high salary.

25. There ought to have been modelity for abolition of a Wing for redeployment. I find no such procedure is followed by the Management. So also there is no list of surplus. The workmen claimed that 6 persons junior to them were promoted to Group-C. The answer of the MW in this connection is also evasived. So what I find the claim of the workmen has got legal force that they are deprived from legitimate entitlement. As per the MW there is presently no existence of vacancy in Group-C. What I find workmen are in continous service in the N. F. Railway Management, Maligaon. For ends of natural justice, the Management can not deny the legitimate claim of the workman in present circumstances of the case. It is the responsibility of the Management to give proper justice for the welfare of the workmen by way of promotion. I find both the workmen are entitled to get the promotion to Category-C. The Management is to arrange for their promotion. Accordingly this Schedule (issue) is decided in favour of the workmen. Prepare the Award and transmit it to the Government urgently as per procedure.

H. A. HAZARIKA, Presiding Officer,

नई दिल्ली, 7 अप्रैल, 2005

का.आ. 1646.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तरी रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या आई. डी. 77/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-4-2005 को प्राप्त हुआ था।

[सं. एल-41012/139/98-आई आर (बी. I)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 7th April, 2005

S.O. 1646.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 77/99) of the Central Government Industrial Tribunal-cum-Labour Court Kanpur now as shown in the Annexure, in the Industrial Dispute between the employers in relation to

the management of Northern Railway and their workman, which was received by the Central Government on 6-4-2005.

[No. L-41012/139/98-IR (B. I)]

B. M. DAVID, Under Secy.

ANNEXURE

**BEFORE SRISURESH CHANDRA PRESIDING
OFFICER CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT/LOK ADALAT,
SARVODAYA NAGAR, KANPUR**

INDUSTRIAL DISPUTE NO. 77 Of 99

In the matter of Dispute between :

Sri Surendra Kumar S/o Ram Swarup,
Village Narala Amhaar,
Post Jhugiri,
District Etawah,
Uttar Pradesh

AND

The Divisional Power Engineer,
Parichalan,
Northern Railway,
Allahabad, U.P.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-41012/139/98-IR(BI) dated has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the Divisional power Engineer Parichalan Northern Railway, Allahabad in terminating the services of Sri Surendra Kumar w.e.f. 11-12-91 is legal and justified? If not to what relief the workman is entitled?

2. In the instant case after exchange of pleadings between the parties, the case was taken up for evidence of the parties. But unfortunately both the contesting parties failed to adduce their respective evidence in support of their claim. Therefore, virtually the present case is case of no evidence. It is settled principle of law that party raising dispute first to lead evidence in support of his case and in case he fails to lead evidence in support of his case, his claim must fail and he cannot be held entitled to claim any relief. Needless to mention that on failure to put appearance on the date fixed parties were debarred from adducing their respective evidence by the tribunal.

3. In the facts and circumstances stated above, the tribunal is left with no other option but to hold that the claimant of the present dispute is not entitled for any relief for want of evidence. Reference is answered accordingly against the workman and in favour of the management.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 8 अप्रैल, 2005

का.आ. 1647.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आसनसोल के पंचाट (संदर्भ संख्या 20/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07-04-2005 को प्राप्त हुआ था।

[सं. एल-22012/335/94-आई आर (सी. II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 8th April, 2005

S.O. 1647.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 20/1994) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the Industrial Dispute between the management of ECL and their workman which was received by the Central Government on 07-04-2005.

[No. L-22012/335/94-IR (C. II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

Present : Sri Md. Sarfaraz Khan, Presiding Officer.

REFERENCE NO. 20 OF 1994

Parties :

The Agent, Bhanora Colliery of M/s ECL P.O.
Chabdrapur, Dist. Burdwan (WB)

....Management

Vrs.

Sri Krishna Prasad Sinha, Pit Clerk represented by West
Bengal Coalfields Shramik Congress, Asansol.

....Workman

REPRESENTATIVES:

For the Management : Sri P. Goswami, Advocate.

For the Workman (Union) : Sri S.A. Vakil, Advocate.

INDUSTRY : COAL STATE : WEST BENGAL

Dated the 4th March, 2005

AWARD

In exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of the Section 10 of the Industrial Disputes Act, 1947 (14 of 1947). Government of India through the Ministry of Labour vide its Order No. L-22012/335/94-IR (C II) dated 15-11-1994 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Bhanora Colliery of Eastern Coalfields Ltd. in stopping the payment of underground allowance to Shri Krishna Prasad Sinha, Pit Clerk w.e.f. December, 1987 is legal and justified?” If not to what relief is the workman entitled to?”

In pursuant to the receipt of the order of the aforesaid reference from the Ministry of Labour, Govt. of India summons were issued through the registered post to the respective parties and both the parties having received the summons appeared in the Court through their respective representatives and filed the written statement in support of their claims.

3. On perusal of the record it transpires that the case was fixed for evidence of the union on 7-1-2003 and on the subsequent date i.e. on 10-3-2003 a death certificate alongwith a time petition to file a petition of substitution of the heirs of the deceased workman concerned was filed which was allowed but unfortunately the lawyer of the workman concerned left taking any step for the substitution of the heirs of the deceased workman. again summon was issued to the Secretary of the Union representing the workman concerned but unfortunately even after due service no step was taken by the side of the union. This reference is pending for disposal since the year 1994 and the same could not be disposed off due to lack of interest of the union. Now no useful purpose to be solved in keeping this record pending in obedience. It appears that the union has got no interest to pursue the record. As such in the prevailing facts and circumstances of the case let a “No Dispute Award” be and the same is passed. Send the copies of the award to the Ministry of Labour for information and needful. The reference is accordingly disposed off.

MD. SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 8 अप्रैल, 2005

AWARD

का.आ. 1648.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आसनसोल (संदर्भ संख्या 37/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-04-2005 को प्राप्त हुआ था।

[सं. एल-22012/126/96-आई आर (सी-II)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 8th April, 2005

S.O. 1648.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 37/1997) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the Industrial Dispute between the management of ECL and their workman, which was received by the Central Government on 7-4-2005.

[No. L-22012/126/96-IR (C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
ASANSOL**

PRESENT:

SRI. MD. SARFARAZ KHAN, Presiding Officer.

REFERENCE NO. 37/1997**PARTIES:**

The Agent,
Parascola Colliery,
P.O. Kajoragram,
Distt. Burdwan.

.... Management

Versus

Sri H.B. Parmar,
Clerk represented by
National Coal Workers Congress,
P.O. Ukhra,
Distt. Burdwan.

.... Workman.

REPRESENTATIVES:

For the management : Sri D.P. Mukherjee,
Dy. P.M.

For the Workman : Sri K. Chatterjee,
(Union) Addl. General Secretary
of the Union.

Industry : Coal.
State : West Bengal.

Dated : 18-02-2005.

In exercise of the powers conferred by clause (d) of Sub-Section (1), and Sub-Section 2(A) of Section 10 of the Industrial Dispute Act, 1947 (14 of 1947), Government of India through the Ministry of Labour vide its Order No. L-22012/126/96-IR (C-II) dated 05-06-1997 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the demand of the National Coal Workers Congress for payment of salary for the period 9-11-90 to 26-4-92 to Sh. H.B. Parmar, Clerk, Parascola Colliery under Kajora Area of ECL is legal and Justified? If so, to what relief is the workman entitled?"

2. Having received the order of the above reference from the Government of India through the Ministry of Labour, summons were issued to the respective parties through the registered post and after having received the summons both parties appeared through their representatives and filed their written statement in support of their claims.

3. From perusal of the record it transpires that the last step was taken by the union on 7-2-2002 and thereafter left taking any step in this case. The record further goes to show that again notice was sent to the union to appear in the court in order to take suitable steps in this on its behalf of but unfortunately in spite of receipt of the notice due service of the summons no body turned up to safeguard the interest of the delinquent workman. The reference is pending since the year 1997 and due to irregular and casual appearance of the union the reference could not be disposed of.

4. In the prevailing facts and circumstances of the case I do not think proper to keep the proceeding pending any more as no fruitful purpose is to be solved.

5. Accordingly it is hereby

ORDER

that let a "No Dispute Award" be and the same is passed. Send the copies of the reference to the Ministry of Labour for information and needful. The reference is accordingly disposed of.

MD. SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 8 अप्रैल, 2005

का.आ. 1649.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आसनसोल

(संदर्भ संख्या 93/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-04-2005 को प्राप्त हुआ था।

[सं. एल-22012/425/98-आई आर (सी-II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 8th April, 2005

S.O. 1649.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 93/1999) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the Industrial Dispute between the management of ECL and their workman, which was received by the Central Government on 07-04-2005.

[No. L-22012/425/98-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT ASANSOL

PRESENT:

SRI. Md. SARFARAZ KHAN, Presiding Officer.

REFERENCE No. 93/1999

PARTIES:

The Agent,
Bejdih-Methani Collieries,
M/s. E.C. Ltd.,
P.O. Methani,
Distt. Burdwan.

..... Management

Versus

Sri Tapan Bouri,
U.G. Loader,
Represented by Org. Secretary,
Koyala Mazdoor Congress,
Gorai Mansions,
G.T. Road,
Asansol (West Bengal).

..... Workman.

REPRESENTATIVES:

For the Management	: Sri P. K. Goswami, Advocate.
For the Workman	: Sri R. K. Tripathi, Chief Org. Secretary of K.M.C. Asansol.
Industry	: Coal.
State	: West Bengal.

Dated : 21-12-2004.

AWARD

In exercise of the powers conferred by clause (d) of Sub-Section (1), and Sub-Section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government of India through the Ministry of Labour vide its Order No. L-22012/425/98-IR (C-II) dated 09-07-1999 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Bejdih Colliery of M/s. E.C. Ltd., in dismissing Sh. Tapan Bouri, U/G. Loader from services is Justified? If not, to what relief is the workman concerned entitled?"

2. After the receipt of the aforesaid order of reference from the Govt. of India through the Ministry of Labour summons were issued to the respective parties through the registered post and in pursuant to the summons both the parties appeared in the Court and filed their written statement in support of their respective claims.

3. The case of the delinquent workman in brief compass as set-forth in the written statement is that Sri Tapan Bouri was a permanent employee of Bejdih Colliery having his designation as U/G. Loader and U/Man No. 128748.

4. The main case of the workman concerned is that Tapan Bouri was absent from his duty with effect from 4-12-96 and he was served with a charge-sheet for absenteeism. It is claimed that he was absent due to the reason that he was sick and admitted at Sanctoria Hospital and was under treatment as an Indoor patient. It was a referred case by the Colliery to Sanctoria Hospital as no workman can avail treatment at Kalla/Sanctoria Hospital unless it is a referred case but the fact of his illness was ignored during the course of enquiry.

5. The further case of delinquent employee is that in his case second show cause notice was also not issued to the workman which is against the direction of Supreme Court. The punishment of dismissal is claimed to be too harsh and disproportionate to the nature of offence alleged to have been committed by him, so a relief has been sought for his reinstatement in his service with full back wages.

6. Similarly on the other hand the case of the management as per its written statement is that the concerned workman had absented himself from his regular duties without any sanction or authorised leave and even no information showing any reason for his absence was sent to the management prior to the date appointment of departmental enquiry.

7. Mr. Bouri was served with a copy of the charge-sheet for his being on an unauthorised absence and he had actively participated in the enquiry proceeding

personally. The charge of unauthorised absence was duly establish during the enquiry proceeding and accordingly the report was submitted to the competent authority and the disciplinary authority after due consideration of the charges and the enquiry report awarded punishment of dismissal.

8. It is also the defence of the management that the grounds of ailment has been raised at the very belated state by the union to shield the misconduct of unauthorised absence or absenting from duty is said to be the reason for reduction of production of Coal which can not to taken in a casual manner. So the stern action against the offender is the demand of the day. The dismissal of Tapan Bouri is also claimed to be just and proper and accordingly the reference is set to the dismissed.

9. The record goes to show that on 4-6-2002 a hearing on the preliminary point was made. The validity and fairness of the enquiry proceeding was not challenged by the side of the union as the workman concerned had duly participated in the enquiry proceeding. So the enquiry proceeding was held to be fair and valid and accordingly the date for final hearing of the dispute on merit was fixed. The final hearing of the dispute was taken up on 21-12-2004 and after concluding the argument the case was fixed for award.

10. In view of the pleadings of the parties and the material available in the record I find certain facts which are admitted one, so before entering into the discussion of the dispute on merit of the case I would like to mention the following facts which are admitted by the side of both the parties.

11. It is the admitted fact that Tapan Bouri U.G. Loader is the permanent employee of Bejdih Colliery of M/s. E.C. Ltd.

12. It is the further admitted fact that the delinquent workman was absent from his duty with effect from 4-12-96 to 7-6-97 without any prior permission and information of the management and he was charge-sheeted for his un-authorised absence.

13. It is the next admitted fact that a domestic enquiry was conducted by an enquiry officer and the workman concerned had duly participated in his enquiry proceeding and sufficient opportunity was given to defend himself and is the domestic enquiry the delinquent employee was held to be guilty for the misconduct under clause 17(n) of the Model Standing Order applicable to the establishment. It is also clear from the record itself that there is no charge-sheet against the workman for his being habitual absentee. As per the settled principles of law the facts admitted need not be proved since these all facts are admitted by the parties. I do not want to discuss those facts in details.

14. On perusal of the record it transpires that none of the parties has examined any oral witness in support

of their case. Some Xerox copies of the charge-sheet, enquiry proceeding its report along with the evidence taken during the enquiry proceeding and the order of dismissal have been filed. The all documents are common and admitted one and their genuineness also has not been challenged.

15. It is obvious from the enquiry proceedings and its report that the delinquent employee had received the charge-sheet and had participated in the enquiry proceedings. He has clearly admitted in his statement that he did not send any information to the management about his illness and was absent from his duty since 4-12-96 to 7-6-97 due to illness and was under the treatment of Sanctoria Hospital where he was admitted for seven days. The enquiry officer has reported that the workman did not produce any medical certificate or any document in support of his statement whereon the workman concerned has claimed that he had produced all the medical certificate before the enquiry officer. However a photo copy of the O.P.D. paper duly forwarded by the Colliery Management for treatment of the concerned workman at Sanctoria Hospital dated 3-1-97 has been filed. A Xerox copy of the discharge certificate of Sanctoria Hospital showing date of admission as 4-1-97 and date of discharge as 7-1-97 has been filed. Even if these documents are relied upon and taken for consideration, the same do not justify the absence of the workman with effect from 4-12-96 to 7-6-97. These certificate at best can justify the absence from his duty since 3-1-97 to 7-1-97.

16. Having gone through the entire prevailing facts circumstances, enquiry proceeding along with its report and other material fact available in the record I find that the workman concerned was admittedly absent from his duty since 4-12-96 to 7-6-97 continuously without any prior permission and information to the management and he has rightly been held guilty by the enquiry officer for committing misconduct of unauthorised absence under clause 17(1) (n) of the Model Standing Order applicable to the establishment and in view of the aforesaid facts and circumstances the delinquent employee deserves suitable punishment for the alleged proved misconduct as provided in the Model Standing Order.

17. Now let us see as to how for the punishment of dismissal awarded to the workman by the management in the proper and proportionate to the alleged nature of misconduct proved?

18. Heard both the side on the aforesaid point in question. It was submitted by the side of the workman concerned that it is a simple case of an unauthorised absence and he got himself admitted in the Hospital and he was treated about a week as an Indoor patient and during the period of absence he could not send any information to the management due to illiteracy. It was also submitted that it was within the knowledge of the

management that the workman was under the treatment in Sanctoria Hospital as indoor patient as O.P.D. paper was duly forwarded by the Colliery management for treatment at Sanctoria Hospital.

19. It was further submitted that the case of unauthorised absence can't be said to be a gross misconduct warranting the punishment of dismissal. The attention of the Court was also drawn towards the provision of the Model Standing Order where the extreme punishment prescribed is dismissal as per the gravity of the misconduct and it was claimed that the extreme sorts of penalty cannot be imposed in such a minor case of alleged misconduct of unauthorised absence.

20. It was also submitted during the course of argument that the delinquent workman has got unblemish record during the tenure of his service and there has not been any complain of previous misconduct of any sorts. The management has also not chargesheeted him for habitual absence nor any chit of paper in this regard has been filed in the Court nor there is any pleading in this regard as well so it can very well be concluded that it is the first offence of the workman which deserves sympathetic consideration.

21. It was lastly submitted by the side of the workman concerned that different Hon'ble High Courts and the Apex Court as well have clearly observed several times that before imposing punishment of dismissal it is necessary for the disciplinary authority to consider the Socio-economic background of the workman his family background length of service put in by the employee his past records and other surrounding circumstance including the nature of the misconduct and lastly the compelling circumstance to commit the misconduct. These are the relevant factors which must have to be kept in mind by the authority at the time of imposing the punishment which is not done by the management in this case. I find much force in the argument of the union side.

22. Admittedly the workman concerned is an illiterate man of Scheduled Caste. He is no doubt financially weak and poor who has suffered a lot for more than six years and he had never been gainfully employed any where during the period after his dismissal in course of argument the attention of the Court was drawn towards the provision of the Model Standing Order laid down under clause 27(i) (page 15) where various minor punishment have been prescribed to be awarded according to the gravity of the misconduct. I fail to think as to why only maximum punishment available under the said clause should be awarded in the present facts and circumstances of the case. It has been observed by the Apex Court that justice must be imposed with mercy and that the delinquent workman should be given an opportunity to reform himself and to be loyal and disciplinary employee of the management. However I am of the considered view that the punishment

of dismissal for an unauthorised absence without any *mala fide* intention is not just and proper rather it is too harsh a punishment which totally disproportionate to the alleged misconduct proved such a simple case should have been dealt with leniently by the management. In this view of the matter I think it just and proper to modify and substitute the same exercising the power under Section 11(A) of the Industrial Disputes Act, 1947 too meet the ends of justice and as such the impugned order of dismissal of the delinquent employee is hereby set-aside and he is directed to be reinstated with the continuity of the service and in the light of the facts circumstances and the misconduct for which the punishment of dismissal was imposed on the workman concerned I think it appropriate that the delinquent workman be imposed a punishment of strict warning along with a stoppage of two increment without any cumulative effect. It is further directed that the workman will be entitled to get only 30% of the back wages which will serve the ends of Justice. Accordingly it is hereby

ORDER

That let an award be and the same is passed. Send the copies of the award to the Ministry of Labour for information and needful. The reference is accordingly disposed of.

MD. SARFARAZ KHAN, Presiding Officer.

नई दिल्ली, 8 अप्रैल, 2005

का.आ. 1650.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, दूरदर्शन के प्रबंधन के संबद्ध श्रमिकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नम्बर-II, नई दिल्ली के पंचाट (संदर्भ संख्या 21/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07-04-2005 को प्राप्त हुआ था।

[सं. एल-42012/160/2002-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 8th April, 2005

S.O. 1650.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 21/2003) of the Central Government Industrial Tribunal-cum-Labour Court-II, New Delhi as shown in the Annexure, in the Industrial Dispute between the management of Doordarshan and their workman, received by the Central Government on 07-04-2005.

[No. L-42012/160/2002-IR (C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE**BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II
NEW DELHI****PRESENT:**

R. N. RAI, Presiding Officer
I.D. NO. 21/2003

In the Matter of:—

Shri Kunal Kumar,
S/o. Shri Amar Singh,
C/o. P-2/264, Sultanpuri,
Delhi.

Versus

The Director General,
Delhi Doordarshan Kendra,
M/s. Prasar Bharti,
(Broadcasting Corporation of India),
Mandi House,
New Delhi-110001.

AWARD

The Ministry of Labour by its letter No. L-42012/160/2002-IR(CM-II) CENTRAL GOVERNMENT DT.17-02-2003 has referred the following point for adjudication.

The point runs as hereunder :—

SCHEDULE

"Whether the action of the management of Prasar Bharti Broadcasting Corporation, Doordarshan Kendra, New Delhi in terminating the services of Shri Kunal Kumar, S/o. Shri Amar Singh, Ex. Casual Labour w.e.f. 01-02-2001 is legal and justified? If not, to what relief the workman is entitled to and from which date?"

Notices have been issued to the workman applicant and it has been served. Despite that the workman applicant has not turned up. He has not filed statement of claim.

There remains no dispute.

No. dispute Award is given.

Dated : 31-03-2005.

R. N. RAI, Presiding Officer.

नई दिल्ली, 8 अप्रैल, 2005

का.आ. 1651.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, दूर-दर्शन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नम्बर-II, नई दिल्ली (संदर्भ संख्या 15/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07-04-2005 को प्राप्त हुआ था।

[सं. एल-42012/162/2002-आई आर (सी. -II)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 8th April, 2005

S.O. 1651.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 15/2003) of the Central Government Industrial Tribunal-cum-Labour, Court-II, New Delhi as shown in the Annexure, in the Industrial Dispute between the management of Doordarshan and their workman, received by the Central Government on 07-04-2005.

[No. L-42012/162/2002-IR (C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE**BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, NEW DELHI**

I. D. No. 15/2003

R. N. RAI, Presiding Officer

In the matter of:

Shri Sewa Singh,
S/o Shri Krishan,
C/o. P-2/264, Sultanpuri,
Delhi.

Versus:

The Director General,
Delhi Doordarshan Kendra,
M/s. Prasar Bharti,
(Broadcasting Corporation of India),
Mandi House, New Delhi-110066

AWARD

The Ministry of Labour by its letter No. L-42012/162/2002-IR (CM-II) Central Government Dt. 11-2-2003 has referred the following point for adjudication :

The point runs as hereunder :—

"Whether the action of the management of prasar Bharti Broadcasting Corporation, Doordarshan Kendra, New Selhi in terminating the services of Shri Sewa Singh, S/o Shri Krishan, Ex Casual Labour w.e.f. 01-02-2001 is legal and justified? If not, to what relief the workman is entitled to and from which date?"

Notices have been sent to the workman applicant but he has not turned up. He was not present on 28-04-2003. The workman applicant was present on 21-07-2003 but thereafter he has not turned up so he has knowledge of the date.

He has not filed claim statement. There remains no dispute to be adjudicated.

No dispute Award is Given.

Date: 31-03-2005

R. N. RAI, Presiding Officer

नई दिल्ली, 8 अप्रैल, 2005

AWARD

का.आ. 1652.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, इंडियन मेटेरोलोजिकल डिपार्टमेंट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण पुणे (संदर्भ संख्या 2/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-04-2005 को प्राप्त हुआ था।

[सं. एल-42012/81/2003-आई आर (सी-II)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 8th April, 2005

S.O. 1652.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/2004) of the Industrial Tribunal-Pune (Maharashtra) as shown in the Annexure, in the Industrial Dispute between the management of Indian Meteorology Department and their workman, received by the Central Government on 7-4-2005.

[No. L-42012/81/2003-IR (CM-ID)]

N. P. KESAVAN, Desk Officer

ANNEXURE

SHRIS.N. KOLHE, INDUSTRIAL TRIBUNAL,
MAHARASTRA, PUNE.

REFERENCE (IT) NO. 2 of 2004

BETWEEN:

Director General,
Indian Meteorological Department ... First Party

AND

The workman employed in the
workshops of the
Indian Meteorological Department
At Pune, New Delhi & Agra
(Through : The All India Meteorological
Workshop Union) ... Second Party

In the matter of

Reference for adjudication of the dispute whether the demand of All India Meteorological workshop union that the workshop employee employed at Delhi, Agra & Pune workshop be paid extra wages for O.T. twice the ordinary rate of wages according to their revised scale of pay w.e.f. 1-1-1996 under Section 59 of the Factories Act, 1948 is legal and justified? If yet, to what relief the concerned employees are entitled to and from which date (As mention in the Schedule to the Order of the Reference).

APPEARANCES:

Shri Salvi, Advocate for the First Party.

Shri A. Y. Shikarkhane, Advocate for the Second Party.

1. This Reference is made as per Section 10 sub-sections (1) and (2A) clause (d) of Industrial Disputes Act, 1947.

2. In brief, the facts are as under.

Director General, Indian Meteorological Department is the First Party. Second Party is the workman employed in the workshop of Indian Meteorological Department at Pune, New Delhi and Agra. Second Party is represented by all India Meteorological Workshop Union.

Indian Meteorological Department of the Government of India is having the workshop at Pune, New Delhi and Agra. All the workshops are an industry as per Section 2(j) of Industrial Disputes Act, 1947. Central Government is the Appropriate Government of the workshop under provisions of I.D. Act, 1947. Manufacturing activities carried out in the workshop are governed by Factories Act, 1948 and workshops are registered as factories under the said Act. The workman as per Annexure 'B' are working in the workshops and are workers within the meaning of Factories Act, 1948.

Meteorological instruments required for meteorological observation, are manufactured in the workshops at Pune and New Delhi. In the workshop at Agra, 30,000 cu.mtrs. of hydrogen gas is produced every year. Apart from process of manufacture, technical work like brass enamel painting, metal spraying, gas welding are also carried out in the workshops. Machines in the workshops are maintained and serviced by the workmen in the workshops.

3. As per the recommendations of Fifth Pay Commission for Central Government employees, wage-scales and allowances of the employees have been revised w.e.f. 1-1-1996. Arrears of wages and allowances are also paid to the employees from 1-1-1996. However, the arrears of over-time wages on the basis of revised wage-scales and allowances, are not paid to the employees w.e.f. 1-1-1996. Over-time wages are payable as per Section 59 of the Factories Act, 1948 at twice the ordinary rates of wages. Once the ordinary rates of wages are revised, the workmen are entitled to get the over-time wages as per the revised ordinary wages. First Party has refused to pay revised over-time wages after revision of wage scales as per recommendations of Fifth Pay Commission w.e.f. 1-1-1996.

The Ammunition Factory, High Explosive Factory at Kirkee and CPWD which are registered as a factory under Factories Act, 1948 and of which Appropriate Government is Central Government, have given the benefit of revised wages for over-time wages w.e.f. 1-1-1996, to their workman. So, as per principle of region-cum-industry, employees, as per Annexure 'B' of First Party, are entitled for the said demand. Accordingly Statement of Claim is filed by the

Second Party Union on behalf of their employees whose names are mentioned in Annexure 'B'.

4. The First Party has filed written statement at Exb. C-6 and resisted the demands. It is mainly contended that Fifth Pay Commission has discouraged the system of engaging employees on over time basis, and to pay the over time allowance to the employees of Central Government. It is contended that Fifth Pay Commission has recommended for discontinuance of the scheme of over time work. It is further contended that consequent upon the above mentioned recommendation of Fifth Pay Commission, Government has issued order DOPT O.M. No. 21017/3/97-Esstt. (Allowances) dt. 21-11-97, in respect of payment of over time allowance to the employees of the Central Government. It is denied that the employees of the Central Government are entitled to get the over time at the double rate of ordinary wage after revision of the pay-scales by Fifth Pay Commission. It is further contended that the above mentioned order issued by the Nodal Authority i.e. DOPT, has been followed by the First Party. It is also contended that "region-cum-industry" policy cannot be made applicable to the present dispute and First Party has no authority to pay such over time allowance at double the rate of ordinary wages after revision of the wage-scales by Fifth Pay Commission w.e.f. 1-1-1996. So, the First Party has prayed for rejection of the demand on the point of payment of over time allowances, as made by Second Party Union.

5. Both parties have adduced oral as well as documentary evidence in support of their respective stand. Arguments of advocates for both the sides are heard. Relevant provisions of the Factories Act, 1948 are perused.

6. The following points arise for my determination :

- (1) Whether the employees mentioned in Annexure 'B' filed alongwith Statement of claim, are entitled to get over time allowance twice the ordinary rates of wages as per Section 59 of Factories Act, 1948 w.e.f. 1-1-1996, in view of revision of their wage-scales by Fifth Pay Commission ?
- (2) Whether the demand is just and legal ?
- (3) What order ?

7. My findings on the above points for the reasons stated below, are as under :

- (1) Affirmative
- (2) Affirmative
- (3) As per final order.

REASONS

8. In this matter, employee Krishna Bapu Sawant has filed affidavit in support of Statement of Claim. On behalf of first party, Mr. R. R. Mali, Director has filed the affidavit

in support of contentions raised in written statement. Moreover, First Party has filed Para. 118 of Report of Fifth Pay Commission on the point of over time allowance as well as order dt. 21-11-97 issued by Central Govt. on the subject of over time allowance to its employees. Second Party adduced documentary evidence vide Exb. O-16 and O-17, to show the manner, in which over time wages to the employees were paid by other factories after 1-1-96 in view of their revised pay-scales as per recommendation of Fifth Pay Commission.

Admittedly, the employees of the First Party working in their workshops, were paid over time allowance twice the ordinary rate of the wages as per Section 59 of the Factories Act, 1948 till 1-1-1996. As per revision of wage-scales and allowances, in view of recommendation of Fifth Pay Commission, arrears are paid to the employees w.e.f. 1-1-1996.

Whether the employees are entitled to get arrears of over time wages in accordance with their revised scales w.e.f. 1-1-1996, in view of Section 59 of Factories Act, 1948, is the dispute involved for adjudication in this matter. As per Section 59 of Factories Act, worker is entitled to get the over time allowance twice the ordinary rate of his wages.

It is not in dispute that the employees of First Party have been paid over time wages at double the rate of ordinary wages as per Section 59 of Factories Act, 1948 till 1-1-1996. After wage scales and allowances are revised by Fifth Pay Commission, employees are demanding the arrears in respect of their over time work at a rate of twice their revised ordinary rate of wages w.e.f. 1-1-1996. Since over time allowance has a nexus with ordinary rate of wages while deciding over time allowances, it is necessary to take into consideration the ordinary rate of wages. As per the recommendation of Fifth Pay Commission, ordinary rate of wages of the employees are revised and so, consequently their over time allowances will have to be revised in accordance with revised ordinary rate of wages. I reiterate that once ordinary rate of wages are revised, over time allowances will have to be revised by calculating the same at double the rate as mentioned in Section 59 of Factories Act, 1948. In such circumstances, revision of ordinary rate of wages of the employees as per recommendations of Fifth Pay Commission will automatically give rise the revision of over time allowances to be paid to the employees.

First Party has made out a case that in Para. 118 of Report of Fifth Pay Commission, system of engaging employees on over time basis, was to be discouraged and discontinued. It is also the case of first party that Government issued order DOPT O.M. No. 21017/3/97-Esstt. (Allowances), dt. 21-11-97 in respect of payment of over time allowances after considering the above recommendations of Fifth Pay Commission in its report. Para. 118.13 of Report of Fifth Pay commission is as under :

"In the circumstances, we are of the view that there is no justification for the continued payment of

overtime allowance in the Central Government, offices and we recommended its discontinuance. In lieu of cash compensation in the form of overtime allowance, staff deployed on weekly off days may be entitled only to compensatory leave. Staff car drivers, operational staff and industrial Employees may, however, continue to be governed by the existing rules and instructions on the subject."

Order dt. 21-11-1997 issued by the Central Government on the subject of overtime allowance to Central Government employees in view of above mentioned Para. 118.13 of the Report of Fifth Pay Commission, is as under :

"The undersigned is directed to say that the Fifth Central Pay Commission have observed (Para 118.13 of their Report) that, there is no justification for the continued payment of overtime Allowance in the Central Govt. Offices, and have recommended its discontinuance. It has also been recommended by the commission that in lieu of cash compensation in the form of OTA staff deployed on weekly off days may be entitled only to compensatory leave. However, the Staff Car Drivers, Operational Staff and Industrial Employees have been recommended to be governed by the existing rules and instructions on the subject.

2. The Government two, however, decided to continue..... in the existing orders.

3. These instructions will apply under these instructions.

4. Hindi version is enclosed."

I have carefully gone through Para. 118 of Fifth Pay Commission Report as well as the said order dt. 21-11-1997 issued by the Government as mentioned above. It is pertinent to note that the system of overtime work and payment of over time allowances in Central Government Offices was discouraged and recommended to be discontinued by Fifth Pay Commission. It is pertinent to note that only the employees working in Government Offices, are governed by the above mentioned recommendation and consequently, the order dt. 21-11-1997 issued by the Government on that point. In fact, order dt. 21-11-1997 itself is very clear on the point that it applies to the employees working in Government Offices. As far as Industrial Employees of the Central Government are concerned, neither the above mentioned recommendation in the report of Fifth Pay Commission nor the order dt. 21-11-1997 issued by the Government on the point of payment of over time allowance, will apply to them.

Thus, we cannot treat the employees working in offices at a par with industrial employees of the Central Government. So, whatever stand taken by the First Party

on the strength of order dt. 21-11-1997 issued by the Government on the point of dispute, is not applicable to the present employees who are working in workshops of the First Party and who are industrial employees and not the employees working in the offices of the Central Government.

On behalf of Second Party, documentary evidence vide Exh. 0-16 and Exh. 0-17 is adduced to show that other similar establishments of the Central Government governed by the Factories Act, have paid arrears of over time allowance to their industrial employees at double the rate of revised ordinary wages after application of Fifth Pay Commission w.e.f. 1-1-1996. Defence Industrial Establishments as well as High explosive Factory at Kirkee (Pune) have paid the over time allowance at double the rate of ordinary wages to their employees w.e.f. 1-1-1996, after ordinary wages were revised as per recommendation of Fifth Pay Commission.

9. The learned Advocate for the Second Party correctly pointed out, by referring case law reported in 1979-LAB. I.C. 45, Bombay High Court, that the principle which must apply for fixing the wage structure in an industry, is the well settled principle of "Industry-cum-Region".

10. In view of the above mentioned evidence, the principle of "Region-cum-Industry," will have to be applied to the present dispute and the employees of the second party union are entitled to get over time allowance at double the rate of revised ordinary wages as per recommendations of Fifth Pay Commission w.e.f. 1-1-1996.

11. The learned Advocate for the Second Party vehemently argued that the demand of employees is legal and just. I find substance in this submission. I reiterate that Section 59 of Factories Act, 1948 speaks about payment of over time allowance twice the rate of ordinary wages. Once ordinary wages are revised, consequently, over time wages will have to be revised as per ordinary wages. So, over-time allowances are totally dependent on ordinary rates of wages of the employees. Since ordinary rates of wages of the employees of the Second Party Union, are revised by Fifth Pay Commission, they are entitled to get over-time allowance as per the said revised ordinary rates of their wages w.e.f. 1-1-1996 i.e. the date from which entire arrears arising out of revisions of pay-scales and allowances are paid to the employees. As the present demand is made by industrial employees and not by employees working in the office of Central Government, it is legal and just demand. Moreover, the said demand is also supported by principle of "Region-cum-Industry".

12. As far as calculation of overtime wages is concerned, the learned Advocate for the Second Party has relied on case law reported in 1996-I-CLR-371, Hon'ble Supreme Court. Wherein Their Lordship have observed that ordinary rates of wages means basis wages plus such

allowances as the worker is entitled to and inclusion of any allowance 'notionally' is prohibited.

13. In view of the above discussion, I am of the opinion that industrial employees whose names are mentioned in Annexure 'B' filed along with Statement of Claim, are entitled to get arrears towards overtime allowances twice the ordinary rate of their revised wages as per recommendation of Fifth Pay Commission w.e.f. 1-1-1996 and such demand is legal and just. So, I answer the points accordingly.

14. In the demand is substantiated and proved, I pass the Award as under.

AWARD

1. The Industrial Employees of Indian Meteorological Department working in the workshops at Pune, New Delhi and Agra and whose names are mentioned in Annexure 'B' filed along with Statement of Claim in this matter, are entitled to get arrears of overtime allowances twice the ordinary rates of their revised wages according to recommendation of Fifth Pay Commission w.e.f. 1-1-1996 as per Section 59 of Factories Act, 1948 and the demand to that effect is legal and justified.

2. Award be prepared accordingly.

PUNE.

Date: 17-3-2005

S.N. KOLHS, Industrial Tribunal

नई दिल्ली, 20 अप्रैल, 2005

का.आ. 1653.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इस मंत्रालय की अधिसूचना संख्या एल-42012/137/99-आई आर (डी यू) दिनांक 7-2-2005 (संदर्भ सं. 202/99) के अनुक्रम में भारतीय पुरातत्व सर्वेक्षण के प्रबंधन और उनके कर्मचारों के संबंध में नियोजकों के बीच औद्योगिक विवाद में अनुबंध में दर्शाए गए अनुसार केन्द्रीय सरकार औद्योगिक

न्यायाधिकरण-सह-श्रम न्यायालय सं. 2 नई दिल्ली द्वारा दिए गए पंचाट का शुद्धि पत्र प्रकाशित करती है।

[सं. एल-42012/137/99-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 20th April, 2005

S.O. 1653.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government in continuation of this Ministry notification No. L-42012/137/99-IR(DU) dated 7-2-2005 (Reference No. 202/99) publishes a corrigenda to the award passed by Central Government Industrial Tribunal-cum-Labour Court No. 2 New Delhi, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Archeological Survey of India and their workman.

[No. L-42012/137/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT II,
RAJENDRA BHAWAN, GROUND FLOOR,
RAJENDRA PLACE NEW DELHI

Presiding Officer: R. N. Rai

I.D. No. 202/99

In the matter of:—

Sh. Upender Chaudhary

Versus

Archeological Survey of India.

CORRIGENDUM

The date (20-01-2004) mentioned at the last page of Award may be replaced with 20-01-2005.

Dated: 04-04-2005.

R. N. RAI, Presiding Officer